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FILE NO. 080696

10/7/08 ORDINANCE NO. 245-08

[Zoning – amending the controls for the North Beach Neighborhood Commercial District; creating the new North Beach Special Use District; creating a new zoning category of Self-Service Specialty Food; creating a new definition of Bona Fide Eating Place, and amending Article 7 Zoning Tables to reflect these changes.]

Ordinance amending the San Francisco Planning Code by adding new Section 780.3, to create the North Beach Special Use District; amending Section 781.6, to include Limited Financial Services and Business or Professional Services in the North Beach Financial Subdistrict; amending Section 722.1 and the Zoning Control Table in Section 722 to reflect the new controls for the North Beach Neighborhood Commercial District, including limiting the establishment of new bars and restaurants in the North Beach Neighborhood Commercial District in locations occupied by basic neighborhood sales or services, allowing restaurants to obtain liquor licenses if they operate as bona-fide eating places, and prohibiting the establishment of new automated bank teller machines; adding new Section 790.93, to create the new zoning category of Specialty Food, Self-Service; adding new Section 790.142, to create a new definition of Bona Fide Eating Place; amending Section 790.102 to allow general grocery stores to occupy less than 5,000 gross square feet, to modify the definition of specialty grocery stores, and to clarify that off-sale beer, wine and liquor sales are allowed within accessory limits in general and specialty grocery stores; amending Sections 703.3, 790.34, 790.55, 790.90, 790.91, 780.1, 312, 303, 218.2, 703.2, 803.2, 803.3, 121.2, 178 and 186.1, to reflect the changes created by the new Sections 790.93, 790.102, and 790.142, and to make conforming amendments; amending Sections 710.1, ~~GOVERNMENT~~ 714.1, 715.1,

DOCUMENTS DEPT

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Supervisor Peskin
BOARD OF SUPERVISORS

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1 716.1, 717.1, 718.1, 719.1, 720.1, 721.1, 722.1, 723.1, 724.1, 725.1, 726.1, 727.1, 728.1,
2 729.1, 730.1, 731.1, 732.1, 733.1, to refer to new Section 790.93; and adopting findings,
3 including environmental findings, Section 302 findings, and findings of consistency
4 with the General Plan and the Priority Policies of Planning Code Section 101.1.
5

6 Note: Additions are single-underline italics Times New Roman;
7 deletions are ~~striketrough italics Times New Roman~~.
8 Board amendment additions are double underlined.
Board amendment deletions are ~~striketrough normal~~.

9 Be it ordained by the People of the City and County of San Francisco:

10 Section 1. Findings. The Board of Supervisors of the City and County of San
11 Francisco hereby finds and determines that:

12 (a) The Planning Department has determined that the actions contemplated in this
13 ordinance are in compliance with the California Environmental Quality Act (California Public
14 Resources Code Section 21000 et seq.). This determination is on file with the Clerk of the
15 Board of Supervisors in File No. _____.

16 (b) At a duly noticed public hearing held on _____, the Planning
17 Commission found in Resolution No. _____ that the proposed Planning Code
18 amendments contained in this ordinance are consistent with the City's General Plan and with
19 the Priority Policies of Planning Code Section 101.1. A copy of this Planning Commission
20 Resolution is on file with the Clerk of the Board of Supervisors in File No.

21 _____ and is incorporated herein by reference. The Board finds that the
22 proposed Planning Code amendments contained in this ordinance are consistent with the
23 City's General Plan and with the Section 101.1 Priority Policies for the reasons set forth in the
24 Planning Commission Resolution cited above.
25

1 (c) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this
2 ordinance will serve the public necessity, convenience and welfare for the reasons set forth in
3 the Planning Commission Resolution cited above.

4
5 Section 2. The San Francisco Planning Code is hereby amended by adding new
6 Section 780.3, to read as follows:

7 **SEC. 780.3. NORTH BEACH SPECIAL USE DISTRICT.**

8 *In order to preserve and maintain the mix and variety of neighborhood-serving retail sales and*
9 *personal services of a type which supplies commodities or offers personal services to residents of North*
10 *Beach and nearby neighborhoods, there shall be a North Beach Special Use District applicable to the*
11 *North Beach Neighborhood Commercial District, as designated on the Sectional Map SU01 of the*
12 *Zoning Maps. The following provisions shall apply within such district:*

13
14 *(a) Full-service restaurants and small self-service restaurants as defined in Sections 790.92 and*
15 *790.91 of this Code and bars as defined in Section 780.22 of this Code may be permitted as a*
16 *conditional use on the ground level if, in addition to the criteria set forth in Section 303, the Planning*
17 *Commission finds that the full-service restaurant, small self-service restaurant, or bar does not occupy*
18 *(1) a space that is currently or was last occupied by a Basic Neighborhood Sale or Service, as defined*
19 *in Section 780.3(b), or by a permitted principal use under Section 722 (North Beach Controls); or (2) a*
20 *vacant space last occupied by a nonconforming use or a permitted conditional use under Section 722*
21 *(North Beach Controls) that has been discontinued or abandoned pursuant to Section 186.1(d) or*
22 *Section 178(d) of this Code.*

1 (b) For purposes of this Section, a Basic Neighborhood Sale or Service shall mean a use within
2 the North Beach Neighborhood Commercial District that provides goods and/or services which are
3 needed by residents and workers in North Beach and surrounding neighborhoods. Basic Neighborhood
4 Sales or Services shall be considered to include, but not be limited to the following goods and/or
5 services: Other Retail Sales and Services as defined in Section 790.102, Personal Services as defined in
6 Section 790.116, Medical Services as defined in Section 790.114, Liquor Stores as defined in Section
7 790.55, Video Stores as defined in Section 790.135, Trade Shops as defined in Section 790.124; Animal
8 Hospitals as defined in Section 790.6, and Self-Service Specialty Food use as defined in Section 790.93.
9
10

11 Section 3. The San Francisco Planning Code is hereby amended by amending Section
12 781.6, to read as follows:

13 **SEC. 781.6. NORTH BEACH FINANCIAL SERVICE, LIMITED FINANCIAL**
14 **SERVICE, AND BUSINESS OR PROFESSIONAL SERVICE SUBDISTRICT.**
15

16 In order to preserve the unique mixture of local, citywide and regional sales and
17 services in the North Beach area, there shall be a North Beach Financial Service, Limited
18 Financial Service, and Business or Professional Service Subdistrict, generally applicable for the
19 portion of the North Beach Neighborhood Commercial District south of Union Greenwich
20 Street, as designated on Sectional Map ~~1SU~~ SU01 of the Zoning Map. The following
21 provisions shall apply within such subdistrict:

22 (a) A financial service, as defined in Section 790.110 of this Code, shall not be
23 permitted in this subdistrict.
24
25

1 (b) A limited financial service, as defined in Section 790.112 of this Code, shall not be
2 permitted in this subdistrict.

3 (c) A business or professional service, as defined in Section 790.108 of this Code, shall not be
4 permitted in this subdistrict on the first story.

5 The provisions of Sections 180 through 186.1 of this Code shall govern financial services,
6 limited financial services, and business or professional services which existed lawfully at the
7 effective date of this Code in this subdistrict.
8

9
10 Section 4. The San Francisco Planning Code is hereby amended by adding new
11 Section 790.93, to read as follows:

12 **SEC. 790.93. SPECIALTY FOOD, SELF-SERVICE.**

13 (a) A retail use whose primary function is to prepare and provide ready-to-eat specialty foods to
14 a high volume of customers who carry out the food for off-premises consumption. Such use exhibits
15 each of the following characteristics: (1) Contains a service counter designed specifically for the sale
16 and distribution of food that has been prepared on site; (2) Food is paid for prior to consumption; (3)
17 Typically open for retail sales on weekdays during daytime hours; and (4) May contain no more than 10
18 seats including sidewalk seating. It often includes wholesaling, manufacturing, or processing of foods,
19 goods, or commodities on the premises as an accessory use as set forth in Section 703.2(b)(1)(C)(v).

20 (b) It includes, but is not limited to, specialty foods provided by bakeries, delicatessens, and
21 confectioneries meeting each of the above characteristics, but it is distinct from small a self-service
22 restaurant use as defined in Section 790.91, a large fast-food restaurant use as defined in Section
23
24
25

1 790.90 or a retail coffee store as defined in 790.102(n). It does not include general or specialty grocery
2 stores with accessory take-out food activity as described in Section 703.2(b)(1)(C) or retail uses which
3 sell prepackaged or bulk ready-to-eat-foods with no on-site food preparation area.

4 (c) It shall not provide on-site beer and/or wine sales for consumption on the premises, but may
5 provide beer and/or wine sales for consumption off the premises with a California Alcoholic Beverage
6 Control Board License type 20 (off-sale beer and wine) within the accessory use limits as set forth in
7 Section 703.2(b)(1)(C)(vi).

10 Section 5. The San Francisco Planning Code is hereby amended by adding new
11 Section 790.142, to read as follows:

12 **SEC. 790.142. BONA FIDE EATING PLACE.**

13 A place which is regularly and in a bona fide manner used and kept open for the service of
14 meals to guests for compensation and which has suitable kitchen facilities connected therewith,
15 containing conveniences for cooking of an assortment of foods which may be required for ordinary
16 meals.

17
18 (a) "Meals" shall mean an assortment of foods commonly ordered at various hours of the day
19 for breakfast, lunch or dinner. Incidental food service, comprised only of appetizers to accompany
20 drinks is not considered a meal. Incidental, sporadic or infrequent sales of meals or a mere offering of
21 meals without actual sales is not compliance.

22 (b) "Guests" shall mean persons who, during the hours when meals are regularly served
23 therein, come to a bona fide public eating place for the purpose of obtaining, and actually order and
24

1 obtain at such time, in good faith, a meal therein. Nothing in this section, however, shall be construed
2 to require that any food be sold or purchased with any beverage.

3 (c) Actual and substantial sales of meals are required, during the normal days and meal hours
4 that a bona fide public eating place is open; provided that "normal days of operation" shall mean a
5 minimum of five days a week and "normal hours" of operation for meal service shall mean
6 approximately 7:00 a.m. to 11:00 a.m. if open for breakfast; 11:00 a.m. to 2:00 p.m. if open for lunch;
7 or 5:00 p.m. to 10:00 p.m. if open for dinner.

8 (d) The premises must be equipped and maintained in good faith. This means the premises must
9 possess working refrigeration and cooking devices, pots, pans, utensils, table service, condiment
10 dispensers, menus, signs and enough goods to make substantial meals. The premises must comply with
11 all regulations of the Department of Public Health.

12 (e) A minimum of 51 percent of the restaurant's gross receipts shall be from food sales prepared
13 and sold to guests on the premises. Records of the restaurant's gross receipts shall be provided to the
14 Department upon request.

15 (f) A "bona fide eating place" does not include an adult entertainment business as defined in
16 Planning Code Section 790.36.

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21 Section 6. The San Francisco Planning Code is hereby amended by amending Section
22 722.1, to read as follows:

23 **SEC. 722.1. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.**

24 The North Beach Neighborhood Commercial District is a nonlinear district centered on
25 Columbus Avenue, located in the valley between Telegraph Hill and ~~Nob~~ Russian Hill north of

1 Broadway. North Beach functions as a neighborhood-serving marketplace, citywide specialty
2 shopping, and dining district, and a tourist attraction, as well as an apartment and residential
3 hotel zone. Traditionally, the district has provided most convenience goods and services for
4 residents of North Beach and portions of Telegraph and Russian Hills. North Beach's eating,
5 drinking, and entertainment establishments remain open into the evening to serve a much
6 wider trade area and attract many tourists. The balance between neighborhood-serving
7 convenience stores and Citywide specialty businesses has shifted *gradually*, as *some*
8 convenience stores have been replaced by *bakeries, ice-cream parlors, and restaurants and*
9 *bars*. The proliferation of financial services, *limited financial services, and business and*
10 *professional services* has also upset the district's balance of uses. The relocation of business
11 and professional offices from downtown to North Beach threatens the loss of upper-story
12 residential units.

13 The North Beach District controls are designed to ensure the livability and
14 attractiveness of North Beach. Building standards limit new development to a small to
15 moderate scale. Rear yards are protected above the ground story and at residential levels.
16 Most new commercial development is permitted at the first two stories. Small-scale,
17 neighborhood-serving businesses are strongly encouraged *and formula retail uses are*
18 *prohibited. Use sizes are controlled to limit future consolidation of spaces and to encourage*
19 *conversion back to the traditional small-scale commercial spaces*. Special controls *are necessary*
20 *because an over-concentration of food and beverage service establishments limits neighborhood-*
21 *serving retail sales and personal services in an area that needs them to thrive as a neighborhood. In*
22 *order to maintain neighborhood-serving retail sales and personal services and to protect residential*
23 *livability, additional eating and drinking establishments are prohibited in spaces that have been*
24 *occupied by neighborhood-serving retail sales and personal services. Special controls* limit additional

ground-story ~~eating and drinking~~, entertainment ~~and business and professional office~~ uses and prohibit new walk-up automated bank teller machines (ATMs). Financial services, limited financial services, and ground-story business and professional office uses are prohibited from locating in the portion of the district south of Union Greenwich Street, while new financial services locating in the portion of the district north of Union Greenwich Street are limited. Restrictions on automobile and drive-up uses are intended to promote continuous retail frontage and maintain residential livability.

In keeping with the district's existing mixed-use character, housing development in new buildings is encouraged above the second story. Existing residential units are protected by prohibitions of upper-story conversions and limitations on demolitions.

SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	North Beach Controls
BUILDING STANDARDS			
722.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250--252, 260, 270, 271	P up to 40 ft.
722.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft. & above § 121.1
722.12	Rear Yard	§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a)(e)
722.13	Street Frontage		Required § 145.1

722.14	Awning	§ 790.20	P § 136.1(a)
722.15	Canopy	§ 790.26	P § 136.1(b)
722.16	Marquee	§ 790.58	P
722.17	Street Trees		§ 136.1(c) Required § 143

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

722.20	Floor Area Ratio	§§ 102.9, 102.11, 123	1.8 to 1 § 124(a) (b)
722.21	Use Size [Nonresidential]	§ 790.130	P up to 1,999 sq. ft.; C 2,000 sq. ft. to 3,999 sq. ft. NP 4,000 sq. ft. and above § 121.2
722.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153--157, 159--160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
722.23	Off-Street Freight Loading	§§ 150, 153--155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
722.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
722.25	Drive-Up Facility	§ 790.30	
722.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft. #; C if not recessed § 145.2(b) #

1 722.27 Hours of Operation § 790.48 P 6 a.m.--2 a.m.
C 2 a.m.--6 a.m.

2 722.30 General Advertising Sign §§ 262, 602--604,
3 608, 609

4 722.31 Business Sign §§ 262, 602--604, 608, P
5 § 607.1(f)2

6 722.32 Other Signs §§ 262, 602--604, 608, P
7 609 § 607.1(c) (d) (g)

8 **No. Zoning Category § References North Beach**
9 **Controls by Story**

10 § 790.118 1st 2nd 3rd+

11 722.38 Residential Conversion § 790.84 P

12 722.39 Residential Demolition § 790.86 P C C

13 **Retail Sales and Services**

14 722.40 Other Retail Sales and § 790.102 P # P #
15 Services
16 [Not Listed Below]

17 722.41 Bar §§ 790.22, 780.3, C #

18
19 722.42 Full-Service Restaurant §§ 790.92, 780.3, C #

20 722.43 Large Fast Food § 790.90
21 Restaurant

22 722.44 Small Self-Service §§ 790.91, 780.3, C #
23 Restaurant

24 722.45 Liquor Store § 790.55 C
25

1	722.46	Movie Theater	\$ 790.64	P		
2	722.47	Adult Entertainment	\$ 790.36			
3	722.48	Other Entertainment	\$ 790.38	C		
4	722.49	Financial Service	\$ 790.110	C/NP #		
5	722.50	Limited Financial Service	\$ 790.112	<u>C/NP #</u>		
6	722.51	Medical Service	790.114	P	P	
7	722.52	Personal Service	\$ 790.116	P	P	
8	722.53	Business or Professional Service	\$ 790.108	<u>C/NP #</u> P		
9	722.54	Massage Establishment	\$ 790.60, \$ 1900 Health Code	C		
10	722.55	Tourist Hotel	\$ 790.46	C	C	C
11	722.56	Automobile Parking	\$\$ 790.8, 156, 160	C	C	C
12	722.57	Automotive Gas Station	\$ 790.14			
13	722.58	Automotive Service Station	\$ 790.17			
14	722.59	Automotive Repair	\$ 790.15	C		
15	722.60	Automotive Wash	\$ 790.18			
16	722.61	Automobile Sale or Rental	\$ 790.12			
17	722.62	Animal Hospital	\$ 790.6	C		
18	722.63	Ambulance Service	\$ 790.2			
19	722.64	Mortuary	\$ 790.62			

1	722.65	Trade Shop	§ 790.124	P #	C #
2	722.66	Storage	§ 790.117		
3	722.67	Video Store	§ 790.135	C	C
4	722.68	Fringe Financial Service	§ 790.11		
5	<u>722.69</u>	<u>Self-Service Specialty Food</u>	<u>§ 790.93</u>	<u>C</u>	

Institutions and Non-Retail Sales and Services

7	722.70	Administrative Service	§ 790.106			
8	722.80	Hospital or Medical Center	§ 790.44			
9	722.81	Other Institutions, Large	§ 790.50	P	C	C
10	722.82	Other Institutions, Small	§ 790.51	P	P	P
11	722.83	Public Use	§ 790.80	C	C	C
12	722.84	Medical Cannabis Dispensary	§ 790.141	P		

RESIDENTIAL STANDARDS AND USES

13	722.90	Residential Use	§ 790.88	P	P	P
14	722.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per sq. ft. lot area § 207.4		
15	722.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per sq ft. lot area § 208		
16	722.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 60 sq. ft if private, or 80 sq. ft. if common § 135(d)		

722.94 Off-Street Parking,
Residential

722.95 Community Residential § 790.10 C C C
Parking

**SPECIFIC PROVISIONS FOR THE NORTH BEACH
NEIGHBORHOOD COMMERCIAL DISTRICT**

Article 7

Code Section	Other Code Section	Zoning Controls
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<u>§ 722.26</u>	<u>§ 790.140</u>	<u>NORTH BEACH WALK UP FACILITIES</u>
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Boundaries: North Beach NCD

Controls: Walk-up automated bank teller machines (ATMs) are not permitted.

§ 722.40	§ 790.102(n)	NORTH BEACH SPECIALTY RETAIL USES
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Boundaries: North Beach NCD

Controls: Retail coffee stores defined pursuant to Code § 790.102(n) are not permitted without conditional use authorization except to the extent qualifying as specialty grocery permitted pursuant to § 790.102(b)

<u>§§ 722.42,</u>	<u>§ 780.3</u>	<u>NORTH BEACH SPECIAL USE DISTRICT</u>
<u>722.44,</u>		
<u>722.41</u>		<u>Boundaries: North Beach NCD</u>

Controls: Full-service restaurants and small self-service restaurants as defined in Sections 790.92 and 790.91 of this Code and bars as defined in Section 780.22 may be permitted as a conditional use on the first story if, in addition to the criteria set forth in Section 303, the Planning Commission finds that the full-service restaurant, small self-service restaurant, or bar does not occupy:

1 (1) a space that is currently or was last occupied by a Basic
2 Neighborhood Sale or Service, as defined in Section 780.3(b), or
3 by a permitted principal use under Section 722 (North Beach
4 Controls); or

5 (2) a vacant space last occupied by a nonconforming use or a
6 permitted conditional use under Section 722 (North Beach
7 Controls) that has been discontinued or abandoned pursuant to
8 Section 186.1(d) or Section 178(d) of this Code.

9 §§ 722.42, §§ 790.92,	NORTH BEACH LIQUOR LICENSES FOR FULL-SERVICE
10 722.44 790.91	AND SMALL SELF-SERVICE RESTAURANTS

11 Boundaries: North Beach NCD

12 Controls: (a) In order to allow full-service restaurants, as defined
13 in § 790.92, and small self-service restaurants, as defined in §
14 790.91 to seek or maintain an ABC license type 41, so that they
15 may provide on-site beer and/or wine sales for drinking on the
16 premises, the restaurant shall be required to operate as a 'bona-
17 fide eating place' as defined in § 790.142.

18 (b) In order to allow full service restaurants, as defined in §
19 790.91, to seek and maintain an ABC license type 47, so that
20 liquor may be served for drinking on the premises, a bar use, as
21 defined in § 790.22, may be permitted as a conditional use on the
22 ground level if, in addition to the criteria set forth in Section 303,
23 the Planning Commission finds that:

24 (1) The bar function is operated as an integral element of an
25 establishment which is classified both as: (A) a full-service
restaurant as defined in § 790.92 and (B) a 'bona-fide eating
place' as defined in § 790.142; and

(2) The establishment maintains only an ABC license type 47, 40,
41 or 60.

(c) The Commission may consider immediate revocation of a
previous conditional use authorization should an establishment no
longer comply with any of the criteria set forth above in (a) or (b)
of this Section for any length of time.

(d) A small self-service restaurant use as defined in § 790.91 may not provide liquor for drinking on the premises (with ABC licenses 42, 47, 48, or 61).

~~§ 722.42 § 790.92 NORTH BEACH FULL SERVICE RESTAURANTS~~

~~Boundaries: Applicable to the North Beach NCD~~

~~Controls: A full-service restaurant may be permitted as a conditional use on the second story if, in addition to the criteria set forth in Section 303, the Commission finds that:~~

~~(1) The full-service restaurant is situated within the North Beach NCD and is within 100 feet of Columbus Avenue; and~~

~~(2) The full-service restaurant will be located in an existing building that is currently permitted for occupancy solely by commercial uses; and~~

~~(3) The full-service restaurant does not require the demolition, conversion or relocation of any lawfully permitted dwelling units or guest rooms; and~~

~~(4) The full-service restaurant is operated in combination with a lawfully existing nonconforming second floor movie theater as defined in Section 790.64 of this Code or a lawfully existing nonconforming second floor "other entertainment" use as defined by Section 790.38 of this Code.~~

§§ 722.49, § 781.6
722.50 &
722.53

NORTH BEACH FINANCIAL SERVICE, LIMITED
FINANCIAL SERVICE, AND BUSINESS OR PROFESSIONAL
SERVICE SUBDISTRICT

Boundaries: Applicable only for portions of the North Beach NCD south of Union Greenwich Street as mapped on Sectional Map 1SUa SU01

Controls: Financial services and limited financial services are NP at all stories; business or professional services are NP at the 1st story

§ 722.65 § 236

GARMENT SHOP SPECIAL USE DISTRICT

Boundaries: Applicable only for the portion of North Beach NCD as mapped on Sectional Map SU01a

Controls: Garment shops are P at the 1st and 2nd stories

1 Section 7. The San Francisco Planning Code is hereby amended by amending Section
2 703.3, to read as follows:

3 **SEC. 703.3. FORMULA RETAIL USES.**

4 (a) Findings.

5 (1) San Francisco is a city of diverse and distinct neighborhoods identified in large
6 part by the character of their commercial areas.

7 (2) San Francisco needs to protect its vibrant small business sector and create a
8 supportive environment for new small business innovations. One of the eight Priority Policies
9 of the City's General Plan resolves that "existing neighborhood-serving retail uses be
10 preserved and enhanced and future opportunities for resident employment in and ownership
11 of such businesses enhanced."

12 (3) Retail uses are the land uses most critical to the success of the City's commercial
13 districts.

14 (4) Formula retail businesses are increasing in number in San Francisco, as they are
15 in cities and towns across the country.

16 (5) Money earned by independent businesses is more likely to circulate within the
17 local neighborhood and City economy than the money earned by formula retail businesses
18 which often have corporate offices and vendors located outside of San Francisco.

19 (6) Formula retail businesses can have a competitive advantage over independent
20 operators because they are typically better capitalized and can absorb larger startup costs,
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1 pay more for lease space, and commit to longer lease contracts. This can put pressure on
2 existing businesses and potentially price out new startup independent businesses.

3 (7) San Francisco is one of a very few major urban centers in the State in which
4 housing, shops, work places, schools, parks and civic facilities intimately co-exist to create
5 strong identifiable neighborhoods. The neighborhood streets invite walking and bicycling and
6 the City's mix of architecture contributes to a strong sense of neighborhood community within
7 the larger City community.
8

9 (8) Notwithstanding the marketability of a retailer's goods or services or the visual
10 attractiveness of the storefront, the standardized architecture, color schemes, decor and
11 signage of many formula retail businesses can detract from the distinctive character of certain
12 Neighborhood Commercial Districts.

13 (9) The increase of formula retail businesses in the City's neighborhood commercial
14 areas, if not monitored and regulated, will hamper the City's goal of a diverse retail base with
15 distinct neighborhood retailing personalities comprised of a mix of businesses. Specifically,
16 the unregulated and unmonitored establishment of additional formula retail uses may unduly
17 limit or eliminate business establishment opportunities for smaller or medium-sized
18 businesses, many of which tend to be non-traditional or unique, and unduly skew the mix of
19 businesses towards national retailers in lieu of local or regional retailers, thereby decreasing
20 the diversity of merchandise available to residents and visitors and the diversity of purveyors
21 of merchandise.
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1 (10) If, in the future, neighborhoods determine that the needs of their Neighborhood
2 Commercial Districts are better served by eliminating the notice requirements for proposed
3 formula retail uses, by converting formula retail uses into conditional uses in their district, or
4 by prohibiting formula retail uses in their district, they can propose legislation to do so.

5 (b) Formula Retail Use. Formula retail use is hereby defined as a type of retail sales
6 activity or retail sales establishment which, along with eleven or more other retail sales
7 establishments located in the United States, maintains two or more of the following features: a
8 standardized array of merchandise, a standardized facade, a standardized decor and color
9 scheme, a uniform apparel, standardized signage, a trademark or a servicemark.

11 (1) Standardized array of merchandise shall be defined as 50% or more of in-stock
12 merchandise from a single distributor bearing uniform markings.

13 (2) Trademark shall be defined as a word, phrase, symbol or design, or a combination
14 of words, phrases, symbols or designs that identifies and distinguishes the source of the
15 goods from one party from those of others.

17 (3) Servicemark shall be defined as word, phrase, symbol or design, or a combination
18 of words, phrases, symbols or designs that identifies and distinguishes the source of a service
19 from one party from those of others.

20 (4) Decor shall be defined as the style of interior finishings, which may include but is
21 not limited to, style of furniture, wallcoverings or permanent fixtures.

22 (5) Color Scheme shall be defined as selection of colors used throughout, such as on
23 the furnishings, permanent fixtures, and wallcoverings, or as used on the facade.
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1 (6) Facade shall be defined as the face or front of a building, including awnings,
2 looking onto a street or an open space.

3 (7) Uniform Apparel shall be defined as standardized items of clothing including but
4 not limited to standardized aprons, pants, shirts, smocks or dresses, hat, and pins (other than
5 name tags) as well as standardized colors of clothing.

6 (8) Signage shall be defined as business sign pursuant to Section 602.3 of the
7 Planning Code.

8 (c) "Retail sales activity or retail sales establishment" shall include the following uses,
9 as defined in Article 7 of this Code: "bar," "drive-up facility," "eating and drinking use," "liquor
10 store," "restaurant, large fast-food," "restaurant, small self-service," "restaurant, full-service,"
11 "sales and service, other retail," "sales and service, retail," "movie theatre," "video store,"
12 "amusement and game arcade," ~~and "take-out food,"~~ and "Specialty Food, Self-Service."

13 (d) Formula Retail Uses Permitted. Any use permitted in a Neighborhood Commercial
14 District, which is all a "formula retail use" as defined in this Section, is hereby permitted.

15 (e) Formula Retail Use Prohibited. Notwithstanding subsection (d), any use permitted
16 in the Hayes-Gough Neighborhood Commercial District, or the North Beach Neighborhood
17 Commercial District, which is also a "formula retail use" as defined in this Section, is hereby
18 prohibited.

19 (f) Conditional Uses. Notwithstanding subsections (d) or (e), any use permitted in the
20 Haight Street Neighborhood Commercial District, the Japantown Special Use District as
21 defined in Section 249.31, or in the Small-Scale Neighborhood Commercial District along
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1 Divisadero Street, bounded by Haight Street to the south and Turk Street to the north (Block
2 1128, Lot 20, Block 1129, Lots 93--106, Block 1153, Lots 1--4, 6, and 21--22 Block 1154, Lots
3 13--17B and 35--40, Block 1155, Lots 16--21, Lots 23, 24, and 36--38, Block 1156, Lots 4--6,
4 8, 38 and 40--41, Block 1179, Lots 1--1C, 27, and 28, Block 1180, Lots 12--17, Block 1181,
5 Lots 14--9, Block 1182, Lots 2--6, 8, 22--23, 30--60, Block 1201, Lots 1--4, 8--10, 39--54 and
6 57--61, Block 1202, Lots 2A, 2B, 2J and 7, Block 1203, Lots 17--22, 24 and 37, Block 1204,
7 Lots 1--11A, Block 1215, Lots 8--16, Block 1216, Lots 5, 1 and 17--18, Block 1217, Lots 20--
8 29, Block 1218, Lots 1--8, 29, 32, and 50, Block 1237, Lots 1--7, Block 1238, Lots 21--27,
9 Block 1239, Lot 27, Block 1240, Lot 1), or in the Neighborhood Commercial Cluster Districts
10 located at Cole and Carl Streets (Block 1267, Lot 9, Block 1268, Lots 26, 27, 28 and 29, Block
11 1271, Lots 24, 24A, 24B, 25 and 26, Block 1272, Lots 1, 2, 3, 4, and 5, Block 1278, Lot 22),
12 and at Parnassus and Stanyan Streets (Block 1276, Lot 21), which is also a "formula retail
13 use" as defined in this Section, is hereby permitted only as a conditional use. Additional
14 criteria to be used by the Planning Commission when considering granting conditional use
15 permits to formula retail uses in these districts are listed in Section 303(i).

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18 (g) Neighborhood Commercial Notification and Design Review. After the effective date
19 of this Ordinance, any building permit application for a use permitted in a Neighborhood
20 Commercial District which is also a "formula retail use" as defined in this section shall be
21 subject to the Neighborhood Commercial Notification and Design Review Procedures of
22 Section 312 of this Code.
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1 (h) Discretionary Review Guidelines. The Planning Commission shall develop and
2 adopt guidelines which it shall employ when considering any request for discretionary review
3 made pursuant to this Section. These guidelines shall include but are not limited to
4 consideration of the following factors:

5 (1) Existing concentrations of formula retail uses within the Neighborhood Commercial
6 District.

7 (2) Availability of other similar retail uses within the Neighborhood Commercial
8 District.

9 (3) Compatibility of the proposed formula retail use with the existing architectural and
10 aesthetic character of the Neighborhood Commercial District.

11 (4) Existing retail vacancy rates within the Neighborhood Commercial District.

12 (5) Existing mix of Citywide-serving retail uses and neighborhood-serving retail uses
13 within the Neighborhood Commercial District.

14 (i) Determination of Formula Retail Use. After the effective date of this Ordinance, in
15 those areas in which "formula retail uses" are prohibited, any building permit application
16 determined by the City to be for a "formula retail use" that does not identify the use as a
17 "formula retail use" is incomplete and cannot be processed until the omission is corrected.
18 Any building permit approved after the effective date of this Ordinance that is determined by
19 the City to have been, at the time of application, for a "formula retail use" that did not identify
20 the use as a "formula retail use" is subject to revocation at any time.
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1 After the effective date of this Ordinance, in those areas in which "formula retail uses"
2 are subject to the Neighborhood Commercial Notification and Design Review provisions of
3 subsection (e), any building permit application determined by the City to be for a "formula
4 retail use" that does not identify the use as a "formula retail use" is incomplete and cannot be
5 processed until the omission is corrected. After the effective date of this Ordinance, any
6 building permit approved that is determined by the City to be for a "formula retail use" that
7 does not identify the use as a "formula retail use" must complete the Neighborhood
8 Commercial Notification and Design Review required in subsection (e).
9

10 If the City determines that a building permit application or building permit subject to this
11 Section of the Code is for a "formula retail use," the building permit applicant or holder bears
12 the burden of proving to the City that the proposed or existing use is not a "formula retail use."
13

14 Section 8. The San Francisco Planning Code is hereby amended by amending Section
15 790.34, to read as follows:
16

17 **SEC. 790.34. EATING AND DRINKING USE.**

18 A retail use which provides food and/or beverages for either on or off-site food
19 consumption including take-out food, self-service specialty food, bars, full-service restaurants,
20 large fast-food restaurants and small self-service restaurants. ~~Take-out food establishments are~~
21 ~~permitted as principal uses under the category of large fast food restaurants or small self-service~~
22 ~~restaurants, subject to the use size limitation.~~
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1 Section 9. The San Francisco Planning Code is hereby amended by amending Section
2 790.55, to read as follows:

3 **SEC. 790.55. LIQUOR STORE.**

4 A retail use which sells beer, wine, or distilled spirits to a customer in an open or closed
5 container for consumption off the premises and which needs a State of California Alcoholic
6 Beverage Control Board License type 20 (off-sale beer and wine) or type 21 (off-sale general).
7 This classification shall not include retail uses that (1) are both (a) classified as a general
8 grocery store use as set forth in Section 790.102(a), a specialty grocery store use as set forth in
9 Section 790.102(b), or a self-service specialty food use as set forth in Section 790.93, and (b) have a
10 gross floor area devoted to alcoholic beverages that is within the accessory use limits set forth in
11 Section 703.2(b)(1)(C)(vi); or (2) have both a) a use size as defined in Section 790.130 of this
12 Code of greater than 10,000 gross square feet and (b) a gross floor area devoted to alcoholic
13 beverages that is within accessory use limits as set forth in Section 204.2 or 703.2(b)(1)(c) of
14 this Code, depending on the zoning district in which the use is located. For purposes of
15 Planning Code Sections 249.5, 781.8, 781.9, 782, 783, and 784, the retail uses explicitly
16 exempted from this definition as set forth above shall only apply to general grocery and
17 specialty grocery stores that exceed 5,000s/f in size, shall not:
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20 (a) sell any malt beverage with an alcohol content greater than 5.7% by volume; any
21 wine with an alcohol content of greater than 15% by volume, except for "dinner wines" that
22 have been aged two years or more and maintained in a corked bottle; or any distilled spirits in
23 container sizes smaller than 600 ml;
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1 (b) devote more than 15% of the gross square footage of the establishment to the
2 display and sale of alcoholic beverages; and

3 (c) sell single servings of beer in container sizes 24 oz. or smaller.
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5 Section 10. The San Francisco Planning Code is hereby amended by amending
6 Section 790.90, to read as follows:
7

8 **SEC. 790.90. RESTAURANT, LARGE FAST-FOOD.**

9 (a) A retail eating or drinking use which provides ready-to-eat food to a high volume of
10 customers at a high turnover rate for consumption on or off the premises, which may or may
11 not provide seating. Such use exhibits the following characteristics:

- 12 (1) A gross floor area of 1,000 square feet or more;
13 (2) A limited menu of ready-to-eat food prepared in advance of customer orders, or food
14 which is able to be quickly prepared for consumption on or off the premises;
15 (3) Food served in disposable wrappers or containers;
16 (4) Food is ordered and served at customer service counter;
17 (5) Food is paid for prior to consumption;
18 (6) Public food service area, including queuing areas and service counters without fixed
19 seats, which counters are designed specifically for the sale and distribution of food and
20 beverages;
21 (7) Food available upon a short waiting time.
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1 ~~It includes, but is not limited to, delicatessens, ice cream and cookie stores, sandwich shops,~~
2 ~~and bakeries.~~ It does not include retail grocery stores with accessory take-out food activity, as
3 described in Section 703.2(b)(1)(C) of this Code, self-service specialty food use, as described in
4 Section 790.93 of this Code, or retail uses which sell prepackaged or bulk ready-to-eat foods
5 with no on-site food preparation area, such as confectionery or produce stores. When a fast-
6 food restaurant operates within and in conjunction with another retail use, such as a retail
7 grocery store, the area of the fast-food restaurant use shall be measured to include the area
8 devoted to food preparation and service, seating and separate public food service counters,
9 excluding fish, poultry and meat counters.

10
11 (c) It may provide off-site beer, wine, and/or liquor sales for consumption off the
12 premises (with ABC licenses 20 or 21) or on-site beer and/or wine sales for drinking on the
13 premises (with ABC licenses 40, 41 or 60). If it serves liquor for drinking on the premises (with
14 ABC licenses 47 or 48), or does not admit minors (with ABC licenses 42 or 61), then it shall
15 also be considered a bar, as defined in Section 790.22 of this Code.

16
17 (d) It shall be conducted in accordance with the following conditions:

18 (1) All debris boxes shall be kept in enclosed structures.

19 (2) The operator shall be responsible for cleaning the sidewalk within a one-block
20 radius daily to maintain the sidewalk free of paper or other litter during its business hours, in
21 accordance with Article 1, Section 34 of the San Francisco Police Code.

22 (3) Noise and odors shall be contained within the premises so as not to be a nuisance
23 to nearby residents or neighbors.

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2 Section 11. The San Francisco Planning Code is hereby amended by amending
3 Section 790.91, to read as follows:

4 **SEC. 790.91. RESTAURANT, SMALL SELF-SERVICE.**

5 (a) A retail eating or eating and drinking use which provides ready-to-eat food for
6 consumption on and off the premises and which may or may not provide seating. Such use
7 exhibits the following characteristics:

- 8 (1) Contains fewer than 50 seats and less than 1,000 square feet of gross floor area;
9 (2) A limited menu of ready-to-eat food prepared in advance of customer orders, or food
10 which is able to be quickly prepared for consumption on or off the premises;
11 (3) Food served in disposable wrappers or containers;
12 (4) Food is ordered and served at customer service counter;
13 (5) Food is paid for prior to consumption;
14 (6) Public food service area, including queuing areas and service counters without fixed
15 seats, which counters are designed specifically for the sale and distribution of food and
16 beverages;
17 (7) Food available upon a short waiting time.

18 *It includes, but is not limited to, delicatessens, ice-cream and cookie stores, sandwich shops,*
19 *and bakeries.* It does not include retail grocery stores with accessory take-out food activity, as
20 described in Section 703.2(b)(1)(C) of this Code, self-service specialty food use, as described in
21 Section 790.93 of this Code, or retail uses which sell prepackaged or bulk ready-to-eat foods
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1 with no on-site food preparation area, such as confectionery or produce stores. When a fast-
2 food restaurant operates within and in conjunction with another retail use, such as a retail
3 grocery store, the area of the fast-food restaurant use shall be measured to include the area
4 devoted to food preparation and service, seating and separate public food service counters,
5 excluding fish, poultry and meat counters.

6 (b) It may provide off-site beer, wine and/or liquor sales for consumption off the premises
7 (with ABC licenses 20 or 21) or on-site beer and/or wine sales for drinking on the premises
8 (with ABC licenses 40, 41 or 60). If it serves liquor for drinking on the premises (with ABC
9 licenses 47 or 48) or does not admit minors (with ABC licenses 42 or 61), then it shall also be
10 considered a bar, as defined in Section 790.22 of this Code.

11 (c) It shall be conducted in accordance with the following conditions:

12 (1) All debris boxes shall be kept in enclosed structures.

13 (2) The operator shall be responsible for cleaning the sidewalk within a one-block radius
14 daily to maintain the sidewalk free of paper or other litter during its business hours, in
15 accordance with Article 1, Section 34 of the San Francisco Police Code.

16 (3) Noise and odors shall be contained within the premises so as not to be a nuisance to
17 nearby residents or neighbors.

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21 Section 12. The San Francisco Planning Code is hereby amended by amending
22 Section 790.102, to read as follows:

23
24 **SEC. 790.102. SALES AND SERVICES, OTHER RETAIL.**

1 A retail use which provides goods and/or services but is not listed as a separate zoning
2 category in zoning category numbers .41 through .63 listed in Article 7 of this Code, including,
3 but not limited to, sale or provision of the following goods and services:

4 (a) General groceries. As used herein, general groceries means:

5 (1) An individual retail food establishment that:

6 (A) ~~Exceeds 5,000 gross square feet;~~

7 ~~(B)~~ Offers a diverse variety of unrelated, non-complementary food and non-food
8 commodities, such as beverages, dairy, dry goods, fresh produce and other perishable items,
9 frozen foods, household products, and paper goods;

10 ~~(C)(B)~~ May provide beer, wine, and/or liquor sales for consumption off the premises with a
11 California Alcoholic Beverage Control Board License type 20 (off-sale beer and wine) or type 21 (off-
12 sale general) within the accessory use limits as set forth in Section 703.2(b)(1)(C)(vi);

13 ~~(D)(C)~~ Prepares minor amounts of food on-site for immediate consumption; and

14 ~~(E)(D)~~ Markets the majority of its merchandise at retail prices.

15 (b) Specialty groceries. As used herein, specialty groceries means:

16 (1) An individual retail food establishment that:

17 (A) Offers specialty food products, such as baked goods, pasta, cheese, confections, coffee,
18 meat, seafood, produce, artisanal goods and other specialty food products, and may also offer
19 additional food and non-food commodities related or complementary to the specialty food products;

20 (B) May provide beer, wine, and/or liquor sales for consumption off the premises with a
21 California Alcoholic Beverage Control Board License type 20 (off-sale beer and wine) or type 21 (off-
22 sale general) within the accessory use limits as set forth in Section 703.2(b)(1)(C)(vi);

1 sale general) within the accessory use limits as set forth in Section 703.2(b)(1)(C)(vi);

2 (C) Prepares minor amounts or no food on-site for immediate consumption; and

3 (D) Markets the majority of its merchandise at retail prices.

4 (c) Pharmaceutical drugs and personal toiletries;

5 (d) Personal items such as tobacco and magazines;

6 (e) Self-service laundromats and dry cleaning, where no portion of a building occupied
7 by such use shall have any opening other than fixed windows and exits required by law within
8 50 feet of any R District;

9
10 (f) Household goods and service (including paint, fixtures and hardware, but excluding
11 other building materials);

12 (g) Variety merchandise, pet supply stores and pet grooming services;

13 (h) Florists and plant stores;

14 (i) Apparel and accessories;

15 (j) Antiques, art galleries, art supplies and framing service;

16 (k) Home furnishings, furniture and appliances;

17 (l) Books, stationery, greeting cards, office supplies, copying service, music and sporting
18 goods;

19 (m) Toys, gifts, and photographic goods and services; and

20 (n) Retail coffee stores. As used herein, retail coffee store means:

21 (1) A retail drinking use which provides ready-to-drink coffee and/or other nonalcoholic
22 beverages for consumption on or off the premises, which may or may not provide seating. Its
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1 intended design is not to serve prepared ready-to-eat food for consumption on or off the
2 premises, except where a conditional use is granted for an exception in the West Portal NCD
3 pursuant to the "Specific Provisions for the West Portal District." Such use exhibits the
4 following characteristics:

5 (A) Contains no more than 15 seats with no more than 400 square feet of floor area
6 devoted to seating,

7 (B) A limited menu of beverages prepared on the premises and able to be quickly
8 prepared for consumption on or off the premises,

9 (C) Beverages served in disposable or nondisposable containers for consumption on or
10 off the premises,

11 (D) Beverages are ordered and served at a customer service counter,

12 (E) Beverages are paid for prior to consumption,

13 (F) Public service area, including queuing areas and service counters, which counters
14 are designed specifically for the sale and distribution of beverages;

15 (G) Beverages are available upon a short waiting time,

16 (H) Equipment to prepare beverages for consumption,

17 (I) Limited amount of nonprepackaged food goods may be served, such as pastries or
18 similar goods,

19 (J) No on-site food preparation, and no equipment to cook or reheat food or prepare
20 meals other than that connected to beverage preparation, except where a conditional use is
21 granted for an exception in the West Portal NCD pursuant to the "Specific Provisions for the
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1 West Portal District."

2 (K) Coffee beans, tea, syrups, herbs and other beverage-based products and
3 equipment to make and/or reconstitute beverages or consume coffee, tea and/or other
4 beverages may be sold.

5 It may include any use permitted for specialty grocery, as defined in Section
6 790.102(b), but if so, such use shall not include accessory take-out food activity, as described
7 in Section 703.2(b)(1)(C) of this Code, except to the extent permitted by this Subsection
8 790.102(n). It is distinct and separate from a small self-service or large fast-food restaurant,
9 as defined in Section 790.90 and 790.91 of this Code, or a full-service restaurant as defined in
10 Section 790.92 of this Code.

12 (2) It shall be conducted in accordance with the following conditions:

13 (A) All debris boxes shall be kept in enclosed structures,

14 (B) The operator shall be responsible for cleaning the sidewalk in front of or abutting
15 the building to maintain the sidewalk free of paper or other litter during its business hours, in
16 accordance with Article 1, Section 34 of the San Francisco Police Code,

17 (C) Noise and odors shall be contained within the premises so as not to be a nuisance
18 to nearby residents or neighbors.

19 This Section excludes tourist motels, as distinguished from tourist hotels in Section 790.46 of
20 this Code, amusement game arcades as defined in Section 790.4 of this Code and household
21 goods self-storage facilities, which are included in storage as defined in Section 790.117 of
22 this Code. It also excludes the sale of heating fuel and the sale or rental of commercial
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1 equipment (excluding office equipment) and construction materials, other than paint, fixtures
2 and hardware.

3
4 Section 13. The San Francisco Planning Code is hereby amended by amending
5 Section 312, to read as follows:

6 **SEC. 312. NEIGHBORHOOD COMMERCIAL PERMIT REVIEW PROCEDURES**
7 **FOR ALL NC DISTRICTS.**

8 (a) Purpose. The purpose of this Section is to establish procedures for reviewing
9 building permit applications for lots in NC Districts in order to determine compatibility of the
10 proposal with the neighborhood and for providing notice to property owners, occupants and
11 residents neighboring the site of the proposed project and to interested neighborhood
12 organizations, so that concerns about a project may be identified and resolved during the
13 review of the permit.

14
15 (b) Applicability. Except as indicated herein, all building permit applications for
16 demolition, new construction, changes in use to a formula retail use as defined in Section
17 703.3 of this Code or alterations which expand the exterior dimensions of a building shall be
18 subject to the notification and review procedures required by Subsection 312(d). Subsection
19 312(f) regarding demolition permits and approval of replacement structures shall apply to all
20 NC Districts. For the purposes of this Section, addition to a building of the features listed in
21 Section 136(c)(1) through 136(c)(24) and 136(c)(26) shall not be subject to notification under
22 this Section.
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1 (c) Changes of Use. All building permit applications for a change of use to a bar, as
2 defined in Section 790.22, a liquor store, as defined in Section 790.55, a walkup facility, as
3 defined in Section 790.140, other large institutions, as defined in Section 790.50, other small
4 institutions, as defined in Section 790.51, a full-service restaurant, as defined in Section
5 790.92, a large fast food restaurant, as defined in Section 790.90, a small self-service
6 restaurant, as defined in Section 790.91, a self-service specialty food use, as defined in Section
7 790.93, a massage establishment, as defined in Section 790.60, an outdoor activity, as defined
8 in Section 790.70, an adult or other entertainment use, as defined in Sections 790.36 and
9 790.38, or a fringe financial service use, as defined in Section 790.111, shall be subject to the
10 provisions of Subsection 312(d).
11

12 (d) Building Permit Application Review for Compliance and Notification. Upon
13 acceptance of any application subject to this Section, the Planning Department shall review
14 the proposed project for compliance with the Planning Code and any applicable design
15 guidelines approved by the Planning Commission. Applications determined not to be in
16 compliance with the standards of Articles 1.2, 1.5, 2 and 2.5 of the Planning Code, including
17 design guidelines for specific areas adopted by the Planning Commission, or with any
18 applicable conditions of previous approvals regarding the project, shall be held until either the
19 application is determined to be in compliance, is disapproved or a recommendation for
20 cancellation is sent to the Department of Building Inspection.
21

22 (1) Neighborhood Commercial Design Guidelines. The construction of new buildings and
23 alteration of existing buildings in NC Districts shall be consistent with the design policies and
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1 guidelines of the General Plan as adopted and periodically amended for specific areas or
2 conditions by the Planning Commission. The Director of Planning may require modifications to
3 the exterior of a proposed new building or proposed alteration of an existing building in order
4 to bring it into conformity with the General Plan. These modifications may include, but are not
5 limited to, changes in siting, building envelope, scale texture and detailing, openings, and
6 landscaping.

7 (2) Notification. Upon determination that an application is in compliance with the
8 development standards of the Planning Code, the Planning Department shall cause a notice
9 to be posted on the site pursuant to rules established by the Zoning Administrator and shall
10 cause a written notice describing the proposed project to be sent in the manner described
11 below. This notice shall be in addition to any notices required by the Building Code and shall
12 have a format and content determined by the Zoning Administrator. It shall include a
13 description of the proposal compared to any existing improvements on the site with
14 dimensions of the basic features, elevations and site plan of the proposed project including
15 the position of any adjacent buildings, exterior dimensions and finishes, a graphic reference
16 scale, existing and proposed uses and commercial or institutional business name, if known.
17 The notice shall describe the project review process and shall set forth the mailing date of the
18 notice and the expiration date of the notification period.

19 Written notice shall be mailed to the notification group which shall include the project sponsor,
20 relevant neighborhood organizations as described in Subparagraph 312(d)(2)(C) below, all
21 individuals having made a written request for notification for a specific parcel or parcels
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1 pursuant to Planning Code Section 351 and all owners and, to the extent practical, occupants,
2 of properties in the notification area.

3 (A) The notification area shall be all properties within 150 feet of the subject lot in the same
4 Assessor's Block and on the block face across from the subject lot. When the subject lot is a
5 corner lot, the notification area shall further include all property on both block faces across
6 from the subject lot, and the corner property diagonally across the street.

7 (B) The latest City-wide Assessor's roll for names and addresses of owners shall be used for
8 said notice.

9
10 (C) The Planning Department shall maintain a list, updated every six months with current
11 contact information, available for public review, and kept at the Planning Department's
12 Planning Information Counter, and reception desk, as well as the Department of Building
13 Inspection's Building Permit Counter, of neighborhood organizations which have indicated an
14 interest in specific properties or areas. The organizations having indicated an interest in the
15 subject lot or its area shall be included in the notification group for the proposed project.
16 Notice to these groups shall be verified by a declaration of mailing signed under penalty of
17 perjury. In the event that such an organization is not included in the notification group for a
18 proposed project as required under this subsection, the proposed project must be re-noticed.

19
20 (3) Notification Period. All building permit applications shall be held for a period of 30
21 calendar days from the date of the mailed notice to allow review by residents, occupants,
22 owners of neighboring properties and by neighborhood groups.
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1 (4) Elimination of Duplicate Notice. The notice provisions of this Section may be waived by
2 the Zoning Administrator for building permit applications for projects that have been, or before
3 approval will be, the subject of a duly noticed public hearing before the Planning Commission
4 or Zoning Administrator, provided that the nature of work for which the building permit
5 application is required is both substantially included in the hearing notice and is the subject of
6 the hearing.

7 (e) Requests for Planning Commission Review. A request for the Planning
8 Commission to exercise its discretionary review powers over a specific building permit
9 application shall be considered by the Planning Commission if received by the Planning
10 Department no later than 5:00 p.m. of the last day of the notification period as described
11 under Subsection (d)(3) above, subject to guidelines adopted by the Planning Commission.
12 The project sponsor of a building permit application may request discretionary review by the
13 Planning Commission to resolve conflicts between the Director of Planning and the project
14 sponsor concerning requested modifications to comply with relevant design guidelines of the
15 General Plan.
16

17 (1) Scheduling of Hearing. The Zoning Administrator shall set a time for hearing requests for
18 discretionary review by the Planning Commission within a reasonable period.

19 (2) Notice. Mailed notice of the discretionary review hearing by the Planning Commission
20 shall be given not less than 10 days prior to the date of the hearing to the notification group as
21 described in Paragraph 312(d)(2) above. Posted notice of the hearing shall be made as
22 provided under Planning Code Section 306.8.
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1 (f) Demolition of Dwellings, Approval of Replacement Structure Required. Unless the
2 building is determined to pose a serious and imminent hazard as defined in the Building Code
3 an application authorizing demolition in any NC District of an historic or architecturally
4 important building or of a dwelling shall not be approved and issued until the City has granted
5 final approval of a building permit for construction of the replacement building. A building
6 permit is finally approved if the Board of Appeals has taken final action for approval on an
7 appeal of the issuance or denial of the permit or if the permit has been issued and the time for
8 filing an appeal with the Board has lapsed with no appeal filed.
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10 (1) The demolition of any building whether or not historically and architecturally important
11 may be approved administratively where the Director of the Department of Building Inspection
12 or the Chief of the Bureau of Fire Prevention and Public Safety determines, after consultation
13 with the Zoning Administrator, that an imminent safety hazard exists, and the Director of the
14 Department of Building Inspection determines that demolition or extensive alteration of the
15 structure is the only feasible means to secure the public safety.
16

17 (g) Wireless Telecommunications Services Facility as Accessory Use, Notification and
18 Review Required. Building permit applications for new construction of a wireless
19 telecommunications services facility as an accessory use under Article 7 of the Planning Code
20 in all NC Districts shall be subject to the notification and review procedures required by this
21 Section.
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1 Section 14. The San Francisco Planning Code is hereby amended by amending
2 Section 303, to read as follows:

3 **SEC. 303. CONDITIONAL USES.**

4 (a) General. The City Planning Commission shall hear and make determinations
5 regarding applications for the authorization of conditional uses in the specific situations in
6 which such authorization is provided for elsewhere in this Code. The procedures for
7 conditional uses shall be as specified in this Section and in Sections 306 through 306.6,
8 except that Planned Unit Developments shall in addition be subject to Section 304, medical
9 institutions and post-secondary educational institutions shall in addition be subject to the
10 institutional master plan requirements of Section 304.5, and conditional use and Planned Unit
11 Development applications filed pursuant to Article 7, or otherwise required by this Code for
12 uses or features in Neighborhood Commercial Districts, and conditional use applications
13 within South of Market Districts, shall be subject to the provisions set forth in Sections 316
14 through 316.8 of this Code, in lieu of those provided for in Sections 306.2 and 306.3 of this
15 Code, with respect to scheduling and notice of hearings, and in addition to those provided for
16 in Sections 306.4 and 306.5 of this Code, with respect to conduct of hearings and
17 reconsideration.

18 (b) Initiation. A conditional use action may be initiated by application of the owner, or
19 authorized agent for the owner, of the property for which the conditional use is sought. For a
20 conditional use application to relocate a general advertising sign under subsection (l) below,
21 application shall be made by a general advertising sign company that has filed a Relocation
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1 Agreement application and all required information with the Planning Department pursuant to
2 Section 2.21 of the San Francisco Administrative Code.

3 (c) Determination. After its hearing on the application, or upon the recommendation of the
4 Director of Planning if the application is filed pursuant to Sections 316 through 316.8 of this
5 Code and no hearing is required, the City Planning Commission shall approve the application
6 and authorize a conditional use if the facts presented are such to establish:

7 (1) That the proposed use or feature, at the size and intensity contemplated and at the
8 proposed location, will provide a development that is necessary or desirable for, and
9 compatible with, the neighborhood or the community:
10

11 (A) In Neighborhood Commercial Districts, if the proposed use is to be located at a location
12 in which the square footage exceeds the limitations found in Planning Code § 121.2(a) or
13 121.2(b), the following shall be considered:

14 (i) The intensity of activity in the district is not such that allowing the larger use will be likely
15 to foreclose the location of other needed neighborhood-servicing uses in the area; and
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17 (ii) The proposed use will serve the neighborhood, in whole or in significant part, and the
18 nature of the use requires a larger size in order to function; and

19 (iii) The building in which the use is to be located is designed in discrete elements which
20 respect the scale of development in the district; and

21 (2) That such use or feature as proposed will not be detrimental to the health, safety,
22 convenience or general welfare of persons residing or working in the vicinity, or injurious to
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1 property, improvements or potential development in the vicinity, with respect to aspects
2 including but not limited to the following:

3 (A) The nature of the proposed site, including its size and shape, and the proposed size,
4 shape and arrangement of structures;

5 (B) The accessibility and traffic patterns for per-sons and vehicles, the type and volume of
6 such traffic, and the adequacy of proposed off-street parking and loading;

7 (C) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare,
8 dust and odor;

9 (D) Treatment given, as appropriate, to such aspects as landscaping, screening, open
10 spaces, parking and loading areas, service areas, lighting and signs; and

11 (3) That such use or feature as proposed will comply with the applicable provisions of this
12 Code and will not adversely affect the Master Plan; and

13 (4) With respect to applications filed pursuant to Article 7 of this Code, that such use or
14 feature as proposed will provide development that is in conformity with the stated purpose of
15 the applicable Neighborhood Commercial District, as set forth in zoning control category .1 of
16 Sections 710 through 729 of this Code; and

17 (5) (A) With respect to applications filed pursuant to Article 7, Section 703.2(a), zoning
18 categories .46, .47, and .48, in addition to the criteria set forth above in Section 303(c)(1-4),
19 that such use or feature will:

20 (i) Not be located within 1,000 feet of another such use, if the proposed use or feature is
21 included in zoning category .47, as defined by Section 790.36 of this Code; and/or
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1 (ii) Not be open between two a.m. and six a.m.; and

2 (iii) Not use electronic amplification between midnight and six a.m.; and

3 (iv) Be adequately soundproofed or insulated for noise and operated so that incidental noise
4 shall not be audible beyond the premises or in other sections of the building and fixed-source
5 equipment noise shall not exceed the decibel levels specified in the San Francisco Noise
6 Control Ordinance.

7 (B) Notwithstanding the above, the City Planning Commission may authorize a conditional
8 use which does not satisfy the criteria set forth in (5)(A)(ii) and/or (5)(A)(iii) above, if facts
9 presented are such to establish that the use will be operated in such a way as to minimize
10 disruption to residences in and around the district with respect to noise and crowd control.

11 (C) The action of the Planning Commission approving a conditional use does not take effect
12 until the appeal period is over or while the approval is under appeal.

13 (6) With respect to applications for live/work units in RH, RM and RTO Districts filed pursuant
14 to Section 209.9(f) or 209.9(h) of this Code, that:

15 (A) Each live/work unit is within a building envelope in existence on the effective date of
16 Ordinance No. 412-88 (effective October 10, 1988) and also within a portion of the building
17 which lawfully contains at the time of application a nonconforming, nonresidential use;

18 (B) There shall be no more than one live/work unit for each 1,000 gross square feet of floor
19 area devoted to live/work units within the subject structure; and
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1 (C) The project sponsor will provide any off-street parking, in addition to that otherwise
2 required by this Code, needed to satisfy the reasonably anticipated auto usage by residents of
3 and visitors to the project.

4 Such action of the City Planning Commission, in either approving or disapproving the
5 application, shall be final except upon the filing of a valid appeal to the Board of Supervisors
6 as provided in Section 308.1.

7 (d) Conditions. When considering an application for a conditional use as provided herein with
8 respect to applications for development of "dwellings" as defined in Chapter 87 of the San
9 Francisco Administrative Code, the Commission shall comply with that Chapter which
10 requires, among other things, that the Commission not base any decision regarding the
11 development of "dwellings" in which "protected class" members are likely to reside on
12 information which may be discriminatory to any member of a "protected class" (as all such
13 terms are defined in Chapter 87 of the San Francisco Administrative Code). In addition, when
14 authorizing a conditional use as provided herein, the City Planning Commission, or the Board
15 of Supervisors on appeal, shall prescribe such additional conditions, beyond those specified in
16 this Code, as are in its opinion necessary to secure the objectives of the Code. Once any
17 portion of the conditional use authorization is utilized, all such conditions pertaining to such
18 authorization shall become immediately operative. The violation of any condition so imposed
19 shall constitute a violation of this Code and may constitute grounds for revocation of the
20 conditional use authorization. Such conditions may include time limits for exercise of the
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1 conditional use authorization; otherwise, any exercise of such authorization must commence
2 within a reasonable time.

3 (e) Modification of Conditions. Authorization of a change in any condition previously imposed
4 in the authorization of a conditional use shall be subject to the same procedures as a new
5 conditional use. Such procedures shall also apply to applications for modification or waiver of
6 conditions set forth in prior stipulations and covenants relative thereto continued in effect by
7 the provisions of Section 174 of this Code.

8
9 (f) Conditional Use Abatement. The Planning Commission may consider the possible
10 revocation of a conditional use or the possible modification of or placement of additional
11 conditions on a conditional use when the Planning Commission determines, based upon
12 substantial evidence, that the applicant for the conditional use had submitted false or
13 misleading information in the application process that could have reasonably had a substantial
14 effect upon the decision of the Commission or the conditional use is not in compliance with a
15 condition of approval, is in violation of law if the violation is within the subject matter
16 jurisdiction of the Planning Commission or operates in such a manner as to create hazardous,
17 noxious or offensive conditions enumerated in Section 202(c) if the violation is within the
18 subject matter jurisdiction of the Planning Commission and these circumstances have not
19 been abated through administrative action of the Director, the Zoning Administrator or other
20 City authority. Such consideration shall be the subject of a public hearing before the Planning
21 Commission but no fee shall be required of the applicant or the subject conditional use
22 operator.
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1 (1) The Director of Planning or the Planning Commission may seek a public hearing on
2 conditional use abatement when the Director or Commission has substantial evidence
3 submitted within one year of the effective date of the Conditional Use authorization that the
4 applicant for the conditional use had submitted false or misleading information in the
5 application process that could have reasonably had a substantial effect upon the decision of
6 the Commission or substantial evidence of a violation of conditions of approval, a violation of
7 law, or operation which creates hazardous, noxious or offensive conditions enumerated in
8 Section 202(c).
9

10 (2) The notice for the public hearing on a conditional use abatement shall be subject to the
11 notification procedure as described in Sections 306.3 and 306.8 except that notice to the
12 property owner and the operator of the subject establishment or use shall be mailed by
13 regular and certified mail.
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15 (3) In considering a conditional use revocation, the Commission shall consider whether and
16 how the false or misleading information submitted by the applicant could have reasonably had
17 a substantial effect upon the decision of the Commission, or the Board of Supervisors on
18 appeal, to authorize the conditional use, substantial evidence of how any required condition
19 has been violated or not implemented or how the conditional use is in violation of the law if the
20 violation is within the subject matter jurisdiction of the Planning Commission or operates in
21 such a manner as to create hazardous, noxious or offensive conditions enumerated in Section
22 202(c) if the violation is within the subject matter jurisdiction of the Planning Commission. As
23 an alternative to revocation, the Commission may consider how the use can be required to
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1 meet the law or the conditions of approval, how the hazardous, noxious or offensive
2 conditions can be abated, or how the criteria of Section 303(c) can be met by modifying
3 existing conditions or by adding new conditions which could remedy a violation.

4 (4) Appeals. A decision by the Planning Commission to revoke a conditional use, to modify
5 conditions or to place additional conditions on a conditional use or a decision by the Planning
6 Commission refusing to revoke or amend a conditional use, may be appealed to the Board of
7 Supervisors within 30 days after the date of action by the Planning Commission pursuant to
8 the provisions of Section 308.1(b) The Board of Supervisors may disapprove the action of the
9 Planning Commission in an abatement matter by the same vote necessary to overturn the
10 Commission's approval or denial of a conditional use. The Planning Commission's action on a
11 conditional use abatement issue shall take effect when the appeal period is over or, upon
12 appeal, when there is final action on the appeal.

13
14 (5) Reconsideration. The decision by the Planning Commission with regards to a conditional
15 use abatement issue or by the Board of Supervisors on appeal shall be final and not subject
16 to reconsideration within a period of one year from the effective date of final action upon the
17 earlier abatement proceeding, unless the Director of Planning determines that:

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19 (A) There is substantial new evidence of a new conditional use abatement issue that is
20 significantly different than the issue previously considered by the Planning Commission; or

21 (B) There is substantial new evidence about the same conditional use abatement issue
22 considered in the earlier abatement proceeding, this new evidence was not or could not be
23 reasonably available at the time of the earlier abatement proceeding, and that new evidence
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1 indicates that the Commission's decision in the earlier proceeding ha not been implemented
2 within a reasonable time or raises significant new issues not previously considered by the
3 Planning Commission. The decision of the Director of Planning regarding the sufficiency and
4 adequacy of evidence to allow the reconsideration of a conditional use abatement issue within
5 a period of one year from the effective date of final action on the earlier abatement proceeding
6 shall be final.

7 (g) Hotels and Motels.

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9 (1) With respect to applications for development of tourist hotels and motels, the Planning
10 Commission shall consider, in addition to the criteria set forth in Subsections (c) and (d)
11 above:

12 (A) The impact of the employees of the hotel or motel on the demand in the City for housing,
13 public transit, childcare, and other social services. To the extent relevant, the Commission
14 shall also consider the seasonal and part-time nature of employment in the hotel or motel;

15 (B) The measures that will be taken by the project sponsor to employ residents of San
16 Francisco in order to minimize increased demand for regional transportation; and

17 (C) The market demand for a hotel or motel of the type proposed.

18
19 (2) Notwithstanding the provisions of Sub-sections (f)(1) above, the Planning Commission
20 shall not consider the impact of the employees of a proposed hotel or motel project on the
21 demand in the City for housing where:

22 (A) The proposed project would be located on property under the jurisdiction of the San
23 Francisco Port Commission; and
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1 (B) The sponsor of the proposed project has been granted exclusive rights to propose the
2 project by the San Francisco Port Commission prior to June 1, 1991.

3 (3) Notwithstanding the provisions of Subsection (f)(1) above, with respect to the conversion
4 of residential units to tourist hotel or motel use pursuant to an application filed on or before
5 June 1, 1990 under the provisions of Chapter 41 of the San Francisco Administrative Code,
6 the Planning Commission shall not consider the criteria contained in Subsection (f)(1) above;
7 provided, however, that the Planning Commission shall consider the criteria contained in
8 Subsection (f)(1)(B) at a separate public hearing if the applicant applies for a permit for new
9 construction or alteration where the cost of such construction or alteration exceeds \$100,000.
10 Furthermore, no change in classification from principal permitted use to conditional use in
11 Section 216(b)(i) of this Code shall apply to hotels or motels that have filed applications on or
12 before June 1, 1990 to convert residential units to tourist units pursuant to Chapter 41 of the
13 San Francisco Administrative Code.

14 (h) Internet Services Exchange.

15 (1) With respect to application for development of Internet Services Exchange as defined in
16 Section 209.6(c), the Planning Commission shall, in addition to the criteria set forth in
17 Subsection (c) above, find that:
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19 (A) The intensity of the use at this location and in the surrounding neighborhood is not such
20 that allowing the use will likely foreclose the location of other needed neighborhood-serving
21 uses in the area;
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- 1 (B) The building in which the use is located is designed in discrete elements, which respect
2 the scale of development in adjacent blocks, particularly any existing residential uses;
- 3 (C) Rooftop equipment on the building in which the use is located is screened appropriately.
- 4 (D) The back-up power system for the proposed use will comply with all applicable federal
5 state, regional and local air pollution controls.
- 6 (E) Fixed-source equipment noise does not exceed the decibel levels specified in the San
7 Francisco Noise Control Ordinance.
- 8 (F) The building is designed to minimize energy consumption, such as through the use of
9 energy-efficient technology, including without limitation, heating, ventilating and air
10 conditioning systems, lighting controls, natural ventilation and recapturing waste heat, and as
11 such commercially available technology evolves;
- 12 (G) The project sponsor has examined the feasibility of supplying and, to the extent feasible,
13 will supply all or a portion of the building's power needs through on-site power generation,
14 such as through the use of fuel cells or co-generation;
- 15 (H) The project sponsor shall have submitted design capacity and projected power use of the
16 building as part of the conditional use application; and
- 17 (2) As a condition of approval, and so long as the use remains an Internet Services
18 Exchange, the project sponsor shall submit to the Planning Department on an annual basis
19 power use statements for the previous twelve-month period as provided by all suppliers of
20 utilities and shall submit a written annual report to the Department of Environment and the
21 Planning Department which shall state: (a) the annual energy consumption and fuel
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1 consumption of all tenants and occupants of the Internet Services Exchange; (b) the number
2 of all diesel generators located at the site and the hours of usage, including usage for testing
3 purposes; (c) evidence that diesel generators at the site are in compliance with all applicable
4 local, regional, state and federal permits, regulations and laws; and (d) such other information
5 as the Planning Commission may require.

6 (3) The Planning Department shall have the following responsibilities regarding Internet
7 Services Exchanges:

8 (A) Upon the effective date of the requirement of a conditional use permit for an Internet
9 Services Exchange, the Planning Department shall notify property owners of all existing
10 Internet Services Exchanges that the use has been reclassified as a conditional use;

11 (B) Upon the effective date of the requirement of a conditional use permit for an Internet
12 Services Exchange, the Planning Department shall submit to the Board of Supervisors and to
13 the Director of the Department of Building Inspection a written report covering all existing
14 Internet Services Exchanges and those Internet Services Exchanges seeking to obtain a
15 conditional use permit, which report shall state the address, assessor's block and lot, zoning
16 classification, square footage of the Internet Services Exchange constructed or to be
17 constructed, a list of permits previously issued by the Planning and/or Building Inspection
18 Departments concerning the Internet Services Exchange, the date of issuance of such
19 permits, and the status of any outstanding requests for permits from the Planning and/or
20 Building Inspection Departments concerning Internet Services Exchange; and
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1 (C) Within three years from the effective date of the requirement of a conditional use permit
2 for an Internet Services Exchange, the Planning Department, in consultation with the
3 Department of Environment, shall submit to the Board of Supervisors a written report, which
4 report shall contain the Planning Commission's evaluation of the effectiveness of the
5 conditions imposed on Internet Services Exchanges, and whether it recommends additional or
6 modified conditions to reduce energy and fuel consumption, limit air pollutant emissions, and
7 enhance the compatibility of industrial uses, such as Internet Services Exchanges, located
8 near or in residential or commercial districts.

9
0 (i) Formula Retail Uses.

1 (1) With respect to an application for a formula retail use as defined in Section 703.3,
2 whenever a conditional use permit is required per Section 703.3(f), the Planning Commission
3 shall consider, in addition to the criteria set forth in Subsection (c) above:

4 (A) The existing concentrations of formula retail uses within the Neighborhood Commercial
5 District.

6 (B) The availability of other similar retail uses within the Neighborhood Commercial District.

7 (C) The compatibility of the proposed formula retail use with the existing architectural and
8 aesthetic character of the Neighborhood Commercial District.

9 (D) The existing retail vacancy rates within the Neighborhood Commercial District.

0 (E) The existing mix of Citywide-serving retail uses and neighborhood-serving retail uses
1 within the Neighborhood Commercial District.
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1 (j) Large-Scale Retail Uses. With respect to applications for the establishment of large-scale
2 retail uses under Section 121.6, in addition to the criteria set forth in Subsections (c) and (d)
3 above, the Commission shall consider the following:

4 (A) The extent to which the retail use's parking is planned in a manner that creates or
5 maintains active street frontage patterns;

6 (B) The extent to which the retail use is a component of a mixed-use project or is designed in
7 a manner that encourages mixed-use building opportunities;

8 (C) This shift in traffic patterns that may result from drawing traffic to the location of the
9 proposed use; and

10 (D) The impact that the employees at the proposed use will have on the demand in the City
11 for housing, public transit, childcare, and other social services.

12 (k) Movie Theater Uses.

13 (1) With respect to a change in use or demolition of a movie theater use as set forth in
14 Sections 221.1, 703.2(b)(1)(B)(ii), 803.2(b)(2)(B)(iii) or 803.3(b)(1)(B)(ii), in addition to the
15 criteria set forth in Subsections (c) and (d) above, the Commission shall make the following
16 findings:
17

18 (A) Preservation of a movie theater use is no longer economically viable and cannot effect a
19 reasonable economic return to the property owner;

20 (i) For purposes of defining "reasonable economic return," the Planning Commission shall be
21 guided by the criteria for "fair return on investment" as set forth in Section 228.4(a).
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1 (B) The change in use or demolition of the movie theater use will not undermine the
2 economic diversity and vitality of the surrounding Neighborhood Commercial District; and

3 (C) The resulting project will preserve the architectural integrity of important historic features
4 of the movie theater use affected.

5 (I) Relocation of Existing General Advertising Signs pursuant to a General Advertising Sign
6 Company Relocation Agreement.

7 (1) Before the Planning Commission may consider an application for a conditional use to
8 relocate an existing lawfully permitted general advertising sign as authorized by Section 611
9 of this Code, the applicant sign company must have:

10 (A) Obtained a current Relocation Agreement approved by the Board of Supervisors under
11 Section 2.21 of the San Francisco Administrative Code that covers the sign or signs proposed
12 to be relocated; and

13 (B) Submitted to the Department a current sign inventory, site map, and the other information
14 required under Section 604.2 of this Code; and

15 (C) Obtained the written consent to the relocation of the sign from the owner of the property
16 upon which the existing sign structure is erected.

17 (D) Obtained a permit to demolish the sign structure at the existing location.

18 (2) The Department, in its discretion, may review in a single conditional use application all
19 signs proposed for relocation by a general advertising company or may require that one or
20 more of the signs proposed for relocation be considered in a separate application or
21 applications. Prior to the Commission's public hearing on the application, the Department shall
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1 have verified the completeness and accuracy of the general advertising sign company's sign
2 inventory.

3 (3) Only one sign may be erected in a new location, which shall be the same square footage
4 or less than the existing sign proposed to be relocated. In no event may the square footage of
5 several existing signs be aggregated in order to erect a new sign with greater square footage.

6 (4) In addition to applicable criteria set forth in subsection (c) above, the Planning
7 Commission shall consider the size and visibility of the signs proposed to be located as well
8 as the following factors in determining whether to approve or disapprove a proposed
9 relocation:
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11 (A) The factors set forth in this subsection (A) shall weigh in favor of the Commission's
12 approval of the proposed relocation site:

13 (i) The sign or signs proposed for relocation are lawfully existing but are not in conformity
14 with the sign regulations that existed prior to the adoption of Proposition G on March 5, 2002.

15 (ii) The sign or signs proposed for relocation are on a City list, if any, of priorities for sign
16 removal or signs preferred for relocation.

17 (iii) The sign or signs proposed for relocation are within, adjacent to, or visible from property
18 under the jurisdiction of the San Francisco Port Commission, the San Francisco Unified
19 School District, or the San Francisco Recreation and Park Commission.

20 (iv) The sign or signs proposed for relocation are within, adjacent to, or visible from an
21 Historic District or conservation district designated in Article 10 or Article 11 of the Planning
22 Code.
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1 (v) The sign or signs proposed for relocation are within, adjacent to, or visible from a zoning
2 district where general advertising signs are prohibited.

3 (vi) The sign or signs proposed for relocation are within, adjacent to, or visible from a
4 designated view corridor.

5 (B) The factors set forth in this Subsection (B) shall weigh against the Commission's
6 approval of the proposed relocation:

7 (i) The sign or signs proposed for relocation are or will be obstructed, partially obstructed, or
8 removed from public view by another structure or by landscaping.

9 (ii) The proposed relocation site is adjacent to or visible from property under the jurisdiction
10 of the San Francisco Port Commission, the San Francisco Unified School District, or the San
11 Francisco Recreation and Park Commission.

12 (iii) The proposed relocation site is adjacent to or visible from an Historic District or
13 conservation district designated in Article 10 or Article 11 of the Planning Code.

14 (iv) The proposed relocation site is within, adjacent to, or visible from a zoning district where
15 general advertising signs are prohibited.

16 (v) The proposed relocation site is within, adjacent to, or visible from a designated view
17 corridor.

18 (vi) There is significant neighborhood opposition to the proposed relocation site.

19 (5) In no event may the Commission approve a relocation where:

20 (A) The sign or signs proposed for relocation have been erected, placed, replaced,
21 reconstructed, or relocated on the property, or intensified in illumination or other aspect, or
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1 expanded in area or in any dimension in violation of Article 6 of this Code or without a permit
2 having been duly issued therefor; or

3 (B) The proposed relocation site is not a lawful location under Planning Code Section
4 611(c)(2); or

5 (C) The sign in its new location would exceed the size, height or dimensions, or increase the
6 illumination or other intensity of the sign at its former location; or

7 (D) The sign in its new location would not comply with the Code requirements for that
8 location as set forth in Article 6 of this Code; or

9 (E) The sign has been removed from its former location; or

10 (F) The owner of the property upon which the existing sign structure is erected has not
11 consented in writing to the relocation of the sign.

12 (6) The Planning Commission may adopt additional criteria for relocation of general
13 advertising signs that do not conflict with this Section 303(l) or Section 611 of this Code.

14 (m) General Grocery Store Uses.

15 (1) With respect to a change in use or demolition of general grocery store use as set
16 forth in Sections 218.2, 703.2(b)(1)(B)(iii), ~~803.2(b)(2)(B)(iv)~~ 803.2(b)(1)(B)(iv) or
17 803.3(b)(1)(B)(iii) which use exceeds 5,000 gross square feet, in addition to the criteria set forth in
18 Subsections (c) and (d) above, the Commission shall make the following findings:

19 (A) Preservation of a general grocery store use is no longer economically viable and cannot
20 effect a reasonable economic return to the property owner. The Commission may disregard
21 the above finding if it finds that the change in use or replacement structure in the case of
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1 demolition will contain a general grocery store that is of a sufficient size to serve the shopping
2 needs of nearby residents and offers comparable services to the former general grocery store.

3 (i) For purposes of defining "reasonable economic return," the Planning Commission shall be
4 guided by the criteria for "fair return on investment" as set forth in Section 228.4(a).

5 (B) The change in use or demolition of the general grocery store use will not undermine the
6 economic diversity and vitality of the surrounding neighborhood.

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9 Section 15. The San Francisco Planning Code is hereby amended by amending
10 Section 218.2, to read as follows:

11 **SEC. 218.2. LIMITATION ON CHANGE IN USE OR DEMOLITION OF GENERAL**
12 **GROCERY STORE USE.**

13 Notwithstanding any other provision of this Article, a change in use or demolition of a
14 general grocery store use, a retail sales use as set forth in Section 218(a) or (b) and as further
15 defined in Section 790.102, which use exceeds 5,000 gross square feet shall require conditional
16 use authorization pursuant to Section 303. This Section shall not authorize a change in use if
17 the new use or uses are otherwise prohibited.

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20 Section 16. The San Francisco Planning Code is hereby amended by amending
21 Section 703.2, to read as follows:

22 **SEC. 703.2. USES PERMITTED IN NEIGHBORHOOD COMMERCIAL DISTRICTS.**

1 A use is the specific purpose for which a property or building is used, occupied,
2 maintained, or leased. Whether or not a use is permitted in a specific district is set forth or
3 summarized and cross-referenced in Sections 710.1 through 730.95 of this Code for each
4 district class.

5 (a) Use Categories. The uses, functions, or activities, which are permitted in each
6 Neighborhood Commercial District class include those listed below by zoning control category
7 and number and cross-referenced to the Code Section containing the definition.
8

9 TABLE INSET:

Section		
Zoning Control		Number
Categories of Use		
No.	for Uses	Definition
.24	Outdoor Activity Area	§ 790.70
.25	Drive-Up Facility	§ 790.30
.26	Walk-Up Facility	§ 790.140
.27	Hours of Operation	§ 790.48
.38	Residential Conversion	§ 790.84
.39	Residential Demolition	§ 790.86
.40	Other Retail Sales and Services	§ 790.102
.41	Bar	§ 790.22

- 1 .42 Full-Service Restaurant § 790.92
2 .43 Large Fast-Food Restaurant § 790.90
3 .44 Small Self-Service Restaurant § 790.91
4 .45 Liquor Store § 790.55
5 .46 Movie Theater § 790.64
6 .47 Adult Entertainment § 790.36
7 .48 Other Entertainment § 790.38
8 .49 Financial Service § 790.110
9 .50 Limited Financial Service § 790.112
10 .51 Medical Service § 790.114
11 .52 Personal Service § 790.116
12 .53 Business or Professional Service § 790.108
13 .54 Massage Establishment § 790.60
14 .55 Tourist Hotel § 790.46
15 .56 Automobile Parking § 790.8
16 .57 Automotive Gas Station § 790.14
17 .58 Automotive Service Station § 790.17
18 .59 Automotive Repair § 790.15
19 .60 Automotive Wash § 790.18
20 .61 Automobile Sale or Rental § 790.12
21 .62 Animal Hospital § 790.6
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- 1 .63 Ambulance Service § 790.2
2 .64 Mortuary § 790.62
3 .65 Trade Shop § 790.124
4 .66 Storage § 790.117
5 .67 Video Store § 790.135
6 .68 Fringe Financial Service § 790.111
7 .69 Self-Service Specialty Food § 790.93
8
9 .70 Administrative Service § 790.106
10 .80 Hospital or Medical Center § 790.44
11 .81 Other Institutions, Large § 790.50
12 .82 Other Institutions, Small § 790.51
13 .83 Public Use § 790.80
14 .84 Medical Cannabis Dispensary § 790.141
15
16 .90 Residential Use § 790.88
17 .95 Community Residential Parking § 790.10
18

19 (b) Use Limitations. The uses permitted in Neighborhood Commercial Districts are
20 either principal, conditional, accessory, or temporary uses as stated in this Section, and
21 include those uses set forth or summarized and cross-referenced in the zoning control
22 categories as listed in Paragraph (a) in Sections 710.1 through 729.95 of this Code for each
23 district class.
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1 (1) Permitted Uses. All permitted uses shall be conducted within an enclosed building
2 in Neighborhood Commercial Districts, unless otherwise specifically allowed in this Code.
3 Exceptions from this requirement are: uses which, when located outside of a building, qualify
4 as an outdoor activity area, as defined in Section 790.70 of this Code; accessory off-street
5 parking and loading and other uses listed below which function primarily as open-air uses, or
6 which may be appropriate if located on an open lot, outside a building, or within a partially
7 enclosed building, subject to other limitations of this Article 7 and other sections of this Code.
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9 TABLE INSET:

10 No. Zoning Control Category

11 .56 Automobile Parking

12 .57 Automotive Gas Station

13 .58 Automotive Service Station

14 .60 Automotive Wash

15 .61 Automobile Sale or Rental

16 .81 Other Institutions, Large (selected)

17 .83 Public Use (selected)

18 .95 Community Residential Parking
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22 If there are two or more uses in a structure and none is classified below under Section
23 703.2(b)(1)(C) of this Code as accessory, then each of these uses will be considered
24 separately as independent principal, conditional or temporary uses.
25

1 (A) Principal Uses. Principal uses are permitted as of right in a Neighborhood
2 Commercial District, when so indicated in Sections 710.1 through 729.95 of this Code for
3 each district class.

4 (B) Conditional Uses. Conditional uses are permitted in a Neighborhood Commercial
5 District when authorized by the Planning Commission; whether a use is conditional in a given
6 district is indicated in Sections 710.10 through 729.95. Conditional uses are subject to the
7 provisions set forth in Sections 178, 179, 303, and 316 through 316.8 of this Code.

8 (i) An establishment which sells beer or wine with motor vehicle fuel is a conditional
9 use, and shall be governed by Section 229.

10 (ii) Notwithstanding any other provision of this Article, a change in use or demolition of
11 a movie theater use, as set forth in Section 790.64, shall require conditional use authorization.
12 This Subsection shall not authorize a change in use if the new use or uses are otherwise
13 prohibited.

14 (iii) Notwithstanding any other provision of this Article, a change in use or demolition of
15 a general grocery store use, as defined in Section 790.102(a), which use exceeds 5,000 gross
16 square feet shall require conditional use authorization. This Subsection shall not authorize a
17 change in use if the new use or uses are otherwise prohibited.

18 (C) Accessory Uses. Except as prohibited in Section 728 and subject to the limitations
19 set forth below and in Sections 204.1 (Accessory Uses for Dwelling Units in R and NC
20 Districts), 204.4 (Dwelling Units Accessory to Other Uses), and 204.5 (Parking and Loading
21 as Accessory Uses) of this Code, a related minor use which is either necessary to the
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1 operation or enjoyment of a lawful principal use or conditional use, or is appropriate, incidental
2 and subordinate to any such use, shall be permitted as an accessory use when located on the
3 same lot. Any use which does not qualify as an accessory use shall be classified as a
4 principal or conditional use, unless it qualifies as a temporary use under Sections 205 through
5 205.2 of this Code.

6 No use will be considered accessory to a permitted principal or conditional use which
7 involves or requires any of the following:

8 (i) The use of more than 1/3 of the total floor area occupied by such use and the
9 principal or conditional use to which it is accessory, except in the case of accessory off-street
10 parking and loading;

11 (ii) Any bar, restaurant, other entertainment, or any retail establishment which serves
12 liquor for consumption on-site;

13 (iii) Any take-out food use, as defined in Section 790.122, except for a take-out food
14 use which occupies 100 square feet or less (including the area devoted to food preparation
15 and service and excluding storage and waiting areas) in a general grocery or specialty
16 grocery store;

17 (iv) Any take-out food use, as defined in Section 790.122, except for a take-out food
18 use operating as a minor and incidental use within a full-service restaurant;

19 (v) The wholesaling, manufacturing or processing of foods, goods, or commodities on
20 the premises of an establishment which does not also use or provide for primarily retail sale of
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1 such foods, goods or commodities at the same location where such wholesaling,
2 manufacturing or processing takes place.

3 (vi) Any retail liquor sales, as defined in Section 790.55, except for beer, wine, and/or liquor
4 sales for the consumption off the premises with a State of California Alcoholic Beverage Control
5 ("ABC") Board License type (off-sale beer and wine) or type 21 (off-sale general) which occupy less
6 that 15% of the gross square footage of the establishment (including all areas devoted to the display
7 and sale of alcoholic beverages) in a general grocery store, specialty grocery store, or self-service
8 specialty food use.

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10 The foregoing rules shall not prohibit take-out food activity which operates in
11 conjunction with a fast-food restaurant or a self-service restaurant. A fast-food restaurant or a
12 self-service restaurant, by definition, includes take-out food as an accessory and necessary
13 part of its operation.

14 (D) Temporary Uses. Temporary uses are permitted uses, subject to the provisions
15 set forth in Section 205 of this Code.

16 (2) Not Permitted Uses.

17 (A) Uses which are not specifically listed in this Article are not permitted unless they
18 qualify as a nonconforming use pursuant to Sections 180 through 186.1 of this Code or are
19 determined by the Zoning Administrator to be permitted uses in accordance with Section
20 307(a) of this Code.

21 (B) No use, even though listed as a permitted use, shall be permitted in a
22 Neighborhood Commercial District which, by reason of its nature or manner of operation,
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1 creates conditions that are hazardous, noxious, or offensive through the emission of odor,
2 fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried waste, or excessive
3 noise.

4 (C) The establishment of a use that sells alcoholic beverages, other than beer and
5 wine, concurrent with motor vehicle fuel is prohibited, and shall be governed by Section 229.

6
7 Section 17. The San Francisco Planning Code is hereby amended by amending
8 Section 803.2, to read as follows:
9

10 **SEC. 803.2. USES PERMITTED IN CHINATOWN MIXED USE DISTRICTS.**

11 A use is the specific purpose for which a property or building is used, occupied,
12 maintained, or leased. Whether or not a use is permitted in a specific Chinatown Mixed Use
13 District is set forth, summarized or cross-referenced in Sections 810.1 through 812.96 of this
14 Code for each district class.

15 (a) Use Categories. The uses, functions, or activities, which are permitted in each Chinatown
16 Mixed Use District class include those listed in Table 803.2 below by zoning control category
17 and numbered and cross-referenced to the Code Section containing the definition.

18 **TABLE 803.2 USE CATEGORIES PERMITTED IN THE**

19 **CHINATOWN MIXED USE DISTRICTS**

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22 **TABLE INSET:**
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No.	Zoning Control Categories for Uses	Section Number
	of Use	
	Definition	
803.2.24	Outdoor Activity Area	§ 890.71
803.2.25	Drive-Up Facility	§ 890.30
803.2.26	Walk-Up Facility	§ 890.140
803.2.27	Hours of Operation	§ 890.48
803.2.38a	Residential Conversion, Residential Hotels	§ 890.84
803.2.38b	Residential Demolition, Residential Hotels	§ 890.86
803.2.39a	Residential Conversion, Apartments	§ 890.84
803.2.39b	Residential Demolition, Apartments	§ 890.86
803.2.40a	Other Retail Sales and Services	§ 890.102
803.2.40b	Gift Store--Tourist-Oriented	§ 890.39
803.2.40c	Jewelry	§ 890.51
803.2.41	Bar	§ 890.22
803.2.42	Full-Service Restaurant	§ 890.92
803.2.43	Fast-Food Restaurant--Small	§ 890.90
803.2.44	Fast-Food Restaurant--Large	§ 890.91
803.2.45	Take-Out Food	§ 890.122
803.2.46	Movie Theater	§ 890.64
803.2.47	Adult Entertainment	§ 890.36

1 803.2.48 Other Entertainment § 890.37
2 803.2.49 Financial Service § 890.110
3 803.2.50 Limited Financial Service § 890.112
4 803.2.51 Medical Service § 890.114
5 803.2.52 Personal Service § 890.116
6 803.2.53 Professional Service § 890.108
7 803.2.54 Massage Establishment § 890.60
8 803.2.55 Tourist Hotel § 890.46
9 803.2.56 Automobile Parking Lot, Community Commercial § 890.9
10 803.2.57 Automobile Parking Garage, Community Commercial § 890.10
11 803.2.58 Automobile Parking Lot, Public § 890.11
12 803.2.59 Automobile Parking Garage, Public § 890.12
13 803.2.60 Automotive Gas Station § 890.14
14 803.2.61 Automotive Service Station § 890.18
15 803.2.62 Automotive Repair § 890.15
16 803.2.63 Automotive Wash § 890.20
17 803.2.64 Automobile Sale or Rental § 890.13
18 803.2.65 Animal Hospital § 890.6
19 803.2.66 Ambulance Service § 890.2
20 803.2.67 Mortuary § 890.62
21 803.2.68 Trade Shop § 890.124
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1 803.2.70 Administrative Service § 890.106
2 803.2.71 Light Manufacturing, Wholesale Sales or Storage § 890.54
3 803.2.72 Fringe Financial Service § 890.113
4 803.2.73 Business Services § 890.111
5 803.2.80 Hospital or Medical Center § 890.44
6 803.2.81 Other Institutions § 890.50
7 803.2.82 Public Use § 890.80
8 803.2.90 Residential Use § 890.88
9 803.2.95 Automobile Parking Lot, Community Residential § 890.7
10 803.2.96 Automobile Parking Garage, Community Residential § 890.8
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13 (b) Use Limitations. Uses in Chinatown Mixed Use Districts are either permitted, conditional,
14 accessory, temporary, or are not permitted.

15 (1) Permitted Uses. All permitted uses in Chinatown Mixed Use Districts shall be conducted
16 within an enclosed building, unless otherwise specifically allowed in this Code. Exceptions
17 from this requirement are: accessory off-street parking and loading; uses which, when located
18 outside of a building, qualify as an outdoor activity area, as defined in Section 890.71 of this
19 Code; and uses which by their nature are to be conducted in an open lot or outside a building,
20 as described in Sections 890 through 890.140 of this Code.
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1 If there are two or more uses in a structure and none is classified under Section
2 803.2(b)(1)(C) of this Code as accessory, then each of these uses will be considered
3 separately as an independent permitted, conditional, temporary or not permitted use.

4 (A) Principal Uses. Principal uses are permitted as of right in a Chinatown Mixed Use
5 District, when so indicated in Sections 810.1 through 812.96 of this Code for each district
6 class.

7 (B) Conditional Uses. Conditional uses are permitted in a China-town Chinatown Mixed Use
8 District when authorized by the Planning Commission; whether a use is conditional in a given
9 district is indicated in Sections 810 through 812. Conditional uses are subject to the provisions
10 set forth in Section 303 of this Code.

11
12 (i) An establishment which sells beer and wine with motor vehicle fuel is a conditional
13 use, and shall be governed by Section 229.

14 (ii) Any use or feature which lawfully existed and was permitted as a principal or
15 conditional use on the effective date of these controls which is not otherwise nonconforming
16 or noncomplying as defined in Section 180 of this Code, and which use or feature is not
17 permitted under this Article is deemed to be a permitted conditional use subject to the
18 provisions of this Code.

19
20 (iii) Notwithstanding any other provision of this Article, a change in use or demolition of
21 a movie theater use, as set forth in Section 890.64, shall require conditional use authorization.
22 This Subsection shall not authorize a change in use if the new use or uses are otherwise
23 prohibited.
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1 (iv) Notwithstanding any other provision of this Article, a change in use or demolition of
2 a general grocery store use, as set forth in Section 890.102(a) and as further defined in
3 Section 790.102(a), which use exceeds 5,000 gross square feet shall require conditional use
4 authorization. This Subsection shall not authorize a change in use if the new use or uses are
5 otherwise prohibited.

6 (C) Accessory Uses. Subject to the limitations set forth below and in Sections 204.1
7 (Accessory Uses for Dwelling Units in R Districts) and 204.5 (Parking and Loading as
8 Accessory Uses) of this Code, a related minor use which is either necessary to the operation
9 or enjoyment of a lawful principal use or conditional use or is appropriate, incidental and
10 subordinate to any such use, shall be permitted in Chinatown Mixed Use Districts as an
11 accessory use when located on the same lot. Any use not qualified as an accessory use shall
12 only be allowed as a principal or conditional use, unless it qualifies as a temporary use under
13 Sections 205 through 205.2 of this Code.

14 No use in a Chinatown Mixed Use District will be considered accessory to a principal
15 use which involves or requires any of the following:

16 (i) The use of more than 1/3 of the total floor area occupied by both the accessory
17 use and the principal use to which it is accessory, combined, except in the case of accessory
18 off-street parking;

19 (ii) Any bar, restaurant, other entertainment, or any retail establishment which serves
20 liquor for consumption on-site;

1 (iii) Any take-out food use, except for a take-out food use which occupies 100 square
2 feet or less (including the area devoted to food preparation and service and excluding storage
3 and waiting areas) in a retail grocery or specialty food store;

4 (iv) The wholesaling, manufacturing or processing of foods, goods, or commodities on
5 the premises of an establishment which does not also provide for primarily retail sale of such
6 foods, goods or commodities at the same location where such wholesaling, manufacturing or
7 processing takes place.

8 The above shall not prohibit take-out food activity which operates in conjunction with a
9 fast-food restaurant. A fast-food restaurant, by definition, includes take-out food as an
10 accessory and necessary part of its operation.

11 (D) Temporary Uses. Uses not otherwise permitted are permitted in Chinatown Mixed
12 Use Districts to the extent authorized by Sections 205, 205.1 or 205.2 of this Code.

13 (2) Not Permitted Uses.

14 (A) Uses which are not listed in this Article are not permitted in a Chinatown Mixed
15 Use District unless determined by the Zoning Administrator to be permitted uses in
16 accordance with Section 307(a) of this Code.

17 (B) No use, even though listed as a permitted use or otherwise allowed, shall be
18 permitted in a Chinatown Mixed Use District which, by reason of its nature or manner of
19 operation, creates conditions that are hazardous, noxious, or offensive through the emission
20 of odor, fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried waste, or
21 excessive noise.

1 (C) The establishment of a use that sells alcoholic beverages, other than beer and
2 wine, concurrent with motor vehicle fuel is prohibited, and shall be governed by Section 229.

3
4 Section 18. The San Francisco Planning Code is hereby amended by amending
5 Section 803.3, to read as follows:

6 **SEC. 803.3. USES PERMITTED IN SOUTH OF MARKET USE DISTRICTS.**

7 (a) Use Categories. A use is the specified purpose for which a property or building is
8 used, occupied, maintained, or leased. Whether or not a use is permitted in a specific South
9 of Market District is generally set forth, summarized or cross-referenced in Sections 813.3
10 through 818 of this Code for each district class.

11 (b) Use Limitations. Uses in South of Market Districts are either permitted, conditional,
12 accessory, temporary or are not permitted.

13 (1) Permitted Uses. If there are two or more uses in a structure, any use not classified below
14 under Section 803.3(b)(1)(C) of this Code as accessory will be considered separately as an
15 independent permitted, conditional, temporary or not permitted use.

16 (A) Principal Uses. Principal uses are permitted as of right in a South of Market district, when
17 so indicated in Sections 813 through 818 of this Code for the district. Additional requirements
18 and conditions may be placed on particular uses as provided pursuant to Section 803.5 and
19 other applicable provisions of this Code.

20 (B) Conditional Uses. Conditional uses are permitted in a South of Market district, when
21 authorized by the Planning Commission; whether a use is conditional in a given district is
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generally indicated in Sections 813 through 818 of this Code. Conditional uses are subject to the applicable provisions set forth in Sections 178, 179, 263.11, 303, 316.8, and 803.5 of this Code.

(i) An establishment which sells beer or wine with motor vehicle fuel is a conditional use, and shall be governed by Section 229.

(ii) Notwithstanding any other provision of this Article, a change in use or demolition of a movie theater use, as set forth in Section 890.64, shall require conditional use authorization. This Section shall not authorize a change in use if the new use or uses are otherwise prohibited.

(iii) Notwithstanding any other provision of this Article, a change in use or demolition of a general grocery store use, as set forth in Section 890.102(a) and as further defined in Section 790.102(a), which use exceeds 5,000 gross square feet shall require conditional use authorization. This Subsection shall not authorize a change in use if the new use or uses are otherwise prohibited.

C) Accessory Uses. Subject to the limitations set forth below and in Sections 204.1 (Accessory Uses for Dwelling Units in R and NC Districts), 204.2 (Accessory Uses for Uses Other Than Dwellings in R Districts), 204.4 (Dwelling Units Accessory to Other Uses), and 204.5 (Parking and Loading as Accessory Uses) of this Code, an accessory use is a related minor use which is either necessary to the operation or enjoyment of a lawful principal use or conditional use, or is appropriate, incidental and subordinate to any such use, and shall be permitted as an accessory use in a South of Market District. In order to accommodate a

1 principal use which is carried out by one business in multiple locations within the same
2 general area, such accessory use need not be located in the same structure or lot as its
3 principal use provided that (1) the accessory use is located within 1,000 feet of the principal
4 use; (2) the multiple locations existed on April 6, 1990 (the effective date of this amendment);
5 and (3) the existence of the multiple locations is acknowledged in writing by the Zoning
6 Administrator within 60 days after the effective date of this amendment. Any use which does
7 not qualify as an accessory use shall be classified as a principal use.

8 No use will be considered accessory to a principal use which involves or requires any of the
9 following:
10

- 11 (i) The use of more than one-third of the total occupied floor area which is occupied by both
12 the accessory use and principal use to which it is accessory, combined, except in the case of
13 accessory off-street parking or loading which shall be subject to the provisions of Sections
14 151, 156 and 157 of this Code;
- 15 (ii) A hotel, motel, inn, hostel, nighttime entertainment, adult entertainment, massage
16 establishment, large fast food restaurant, or movie theater use in a RED, SPD, RSD, SLR, SLI
17 or SSO District;
- 18 (iii) Any take-out food use, except for a take-out food use which occupies 100 square feet or
19 less (including the area devoted to food preparation and service and excluding storage and
20 waiting areas) in a restaurant, bar, catering establishment, bakery, retail grocery or specialty
21 food store.
- 22 (iv) Any sign not conforming to the limitations of Section 607.2(f)(3).
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1 (D) Temporary Uses. Temporary uses not otherwise permitted are permitted in South of
2 Market Districts to the extent authorized by Sections 205 through 205.3 of this Code.
3

4 Section 19. The San Francisco Planning Code is hereby amended by amending
5 Section 121.2, to read as follows:
6

7 **SEC. 121.2. USE SIZE LIMITS (NON-RESIDENTIAL), NEIGHBORHOOD
COMMERCIAL DISTRICTS.**

8 (a) In order to protect and maintain a scale of development appropriate to each
9 district, nonresidential uses of the same size or larger than the square footage stated in the
10 table below may be permitted only as conditional uses subject to the provisions set forth in
11 Sections 316 through 316.8 of this Code. The use area shall be measured as the gross floor
12 area for each individual nonresidential use.
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District	Use Size Limits
North Beach	2,000 sq. ft.
Castro Street	
Polk Street	
Inner Clement Street	2,500 sq. ft.
Inner Sunset	
Outer Clement Street	
Upper Fillmore Street	
Haight Street	
Sacramento Street	
Union Street	
24th Street-Mission	
24th Street-Noe Valley	
West Portal Avenue	

NC-1	3,000 sq. ft.
Broadway	
Hayes-Gough	
Upper Market Street	
Polk Street	
Valencia Street	

NC-2	4,000 sq. ft.
NC-3	6,000 sq. ft.
NC-S	

In addition to the criteria of Section 303(c) of this Code, the Commission shall consider the extent to which the following criteria are met:

(1) The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-serving uses in the area.

(2) The proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function.

(3) The building in which the use is to be located is designed in discrete elements which respect the scale of development in the district.

(b) In order to protect and maintain a scale of development appropriate to each district, nonresidential uses which exceed the square footage stated in the table below shall not be permitted, except that in the North Beach Neighborhood Commercial District this Subsection 121.2(b) shall not apply to a Movie Theater use as defined in Section 790.64 ~~or Other Entertainment use as defined in Section 790.38 in a building existing prior to November 1, 1999, that was originally constructed as a multi-story, single-tenant commercial occupancy.~~ The use area shall be measured as the gross floor area for each individual nonresidential use.

District	Use Size Limits
West Portal Avenue	4,000 sq. ft.
North Beach	
Castro Street	

1 Section 20. The San Francisco Planning Code is hereby amended by amending
2 Section 178, to read as follows:

3 **SEC. 178. CONDITIONAL USES.**

4 The following provisions shall apply to conditional uses:

5 (a) Definition. For the purposes of this Section, a permitted conditional use shall refer
6 to:

7 (1) Any use or feature authorized as a conditional use pursuant to Article 3 of this Code,
8 provided that such use or feature was established within the time limits specified as a
9 condition of authorization or, if no time limit was specified, within a reasonable time from the
10 date of authorization; or

11 (2) Any use or feature which is classified as a conditional use in the district in which it is
12 located and which lawfully existed either on the effective date of this Code, or on the effective
13 date of any amendment imposing new conditional use requirements upon such use or feature;
14 or

15 (3) Any use deemed to be a permitted conditional use pursuant to Section 179 of this Code.

16 (b) Continuation. Except as provided for temporary uses in Section 205 of this Code,
17 and except where time limits are otherwise specified as a condition of authorization, any
18 permitted conditional use may continue in the form in which it was authorized, or in the form in
19 which it lawfully existed either on the effective date of this Code or the effective date of any
20 amendment imposing new conditional use requirements upon such use or feature, unless
21 otherwise provided in this Section or in Article 2 of this Code.

22 (c) Enlargements or Alteration. A permitted conditional use may not be significantly
23 altered, enlarged, or intensified, except upon approval of a new conditional use application
24 pursuant to the provisions of Article 3 of this Code. With regard to an Internet Services
25

1 Exchange as defined in Section 209.6(c), any physical alteration which will enlarge or expand
2 the building for the purpose of intensifying the use shall be deemed to be significant under this
3 section, and any increase in the size of electrical service to the building which will require a
4 permit from the Department of Building Inspection shall be deemed to be significant under this
5 section.

6 (d) Abandonment. A permitted conditional use which is discontinued for a
7 period of three years, or otherwise abandoned, shall not be restored, except upon approval of
8 a new conditional use application pursuant to the provisions of Article 3 of this Code. For
9 purposes of this Subsection, the period of nonuse for a permitted conditional use to be
10 deemed discontinued in the North Beach, Castro Street Neighborhood Commercial Districts,
11 and the Jackson Square Special Use District shall be eighteen (18) months, except that in the
12 North Beach Neighborhood Commercial District, the period of non use for a full service
13 restaurant use, as defined in Section 790.91, to be deemed discontinued shall be three years.

14 (e) Changes in Use. The following provisions shall apply to permitted conditional uses
15 with respect to changes in use:

16 (1) A permitted conditional use may be changed to another use listed in Articles 2, 7 or 8 of
17 this Code as a principal use for the district in which it is located and the new use may
18 thereafter be continued as a permitted principal use.

19 (2) A permitted conditional use may be changed to another use listed in Articles 2, 7 or 8 of
20 this Code as a conditional use for the district in which the property is located, subject to the
21 other applicable provisions of this Code, only upon approval of a new conditional use
22 application, pursuant to the provisions of Article 3 of this Code.
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1 (3) A permitted conditional use may not be changed to another use not permitted or
2 prohibited by Articles 2, 7 or 8 of this Code. If a permitted conditional use has been wrongfully
3 changed to another use in violation of the foregoing provisions and the violation is not
4 immediately corrected when required by the Zoning Administrator, the wrongful change shall
5 be deemed to be a discontinuance or abandonment of the permitted conditional use.

6 (4) Once a permitted conditional use has been changed to a principal use permitted in the
7 district in which the property is located, or brought closer in any other manner to conformity
8 with the use limitations of this Code, the use of the property may not thereafter be returned to
9 its former permitted conditional use status, except upon approval of a new conditional use
10 application pursuant to the provisions of Article 3 of this Code.

11 (5) In the North Beach Neighborhood Commercial District, any use that exceeds the use size
12 provisions of Section 121.2(a) or 121.2(b) may be changed to a new use only upon approval
13 of a new conditional use application. The Commission's approval of such conditional use
14 application shall explicitly address the use size findings of Section 303(c).

15 (6) In the Castro Street Neighborhood Commercial District, any use that exceeds the use
16 size provisions of Section 121.2(a), but is smaller than the maximum use size limit of Section
17 121.2(b), may be changed to a new use only upon approval of a new conditional use
18 application. The Commission's approval of such conditional use application shall explicitly
19 address the use size findings of Section 303(c).

20 (f) Notwithstanding the foregoing provisions of this Section 178, a structure occupied
21 by a permitted conditional use that is damaged or destroyed by fire, or other calamity, or by
22 Act of God, or by the public enemy, may be restored to its former condition and use without
23 the approval of a new conditional use application, provided that such restoration is permitted
24 by the Building Code, and is started within one year and diligently pursued to completion.

1 Except as provided in Subsection (g) below, no structure occupied by a permitted conditional
2 use that is voluntarily razed or required by law to be razed by the owner thereof may
3 thereafter be restored except upon approval of a new conditional use application pursuant to
4 the provisions of Article 3 of this Code.

5 (g) None of the provisions of this Section 178 shall be construed to prevent any
6 measures of construction, alteration or demolition necessary to correct the unsafe or
7 dangerous condition of any structure, other feature, or part thereof, where such condition has
8 been declared unsafe or dangerous by the Superintendent of the Bureau of Building
9 Inspection or the Chief of the Bureau of Fire Prevention and Public Safety, and where the
10 proposed measures have been declared necessary, by such official, to correct the said
11 condition; provided, however, that only such work as is absolutely necessary to correct the
12 unsafe or dangerous condition may be performed pursuant to this Section.

13
14 Section 21. The San Francisco Planning Code is hereby amended by amending
15 Section 186.1, to read as follows:

16 **SEC. 186.1. EXEMPTION OF NONCONFORMING USES IN NEIGHBORHOOD**
17 **COMMERCIAL DISTRICTS.**

18 The purpose of this Section is to provide for the further continuance in NC Districts of
19 nonconforming uses created by adoption of Ordinance No. 69-87, as herein described, and
20 subsequent ordinances that change the uses allowed in NC Districts, which are beneficial to,
21 or can be accommodated within the neighborhood commercial areas in which they are
22 located.

23 It is hereby found and declared that certain uses which traditionally have been permitted to
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1 locate in neighborhood commercial areas can be beneficial to a neighborhood commercial
2 area in small or limited numbers, but which if allowed to proliferate, can disrupt the balanced
3 mix of neighborhood-serving retail stores and services. It is further found and declared that in
4 order to prevent undesirable over concentrations of such uses, the establishment of additional
5 such uses shall be prohibited pursuant to controls governing uses in NC Districts. At the same
6 time, however, it is desirable to provide for the further continuance, expansion, enlargement,
7 alteration, changes, discontinuance, and relocation of such existing uses, which are
8 nonconforming as a result of zoning controls governing uses in NC Districts.

9
10 The following provisions shall govern with respect to nonconforming uses and features
11 located in Neighborhood Commercial Districts to the extent that there is a conflict between the
12 provisions of this Section and other Sections contained in this Article 1.7.

13 (a) Expansion. A nonconforming use may expand: (1) in floor area as provided in Subsection
14 (b) below, but may not expand beyond the lot which it occupies, nor may the boundaries of
15 such lot be expanded for purposes of expanding the use; nor may the use expand upward
16 above the story or stories which it lawfully occupies, except as provided in Section 186.2
17 below.

18
19 (b) Enlargements or Alteration.

20 (1) A nonconforming use may not be significantly altered; enlarged or intensified, except
21 upon approval of a conditional use application pursuant to the provisions of Article 3 of this
22 Code, provided that the use not have or result in a greater height, bulk or floor area ratio, less
23 required rear yard or open space, or less required off-street parking space or loading space
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1 than permissible under the limitations set forth in this Code for the district or districts in which
2 such use is located.

3 (2) A nonconforming use may expand to include public sidewalk space provided that such
4 space is only occupied with tables and chairs as permitted by this Municipal Code.

5 (3) No existing use or structure which fails to meet the requirements of this Code in any
6 manner as described above in this Subsection (b) shall be constructed, reconstructed,
7 enlarged, altered or relocated so as to increase the discrepancy, or to create a new
8 discrepancy, at any level of the structure, between existing conditions on the lot and the
9 required standards for new construction set forth in this Code.
10

11 (c) Changes in Use. A nonconforming use may be changed to another use or feature
12 as described below.

13 (1) A nonconforming use may be changed to a use listed in Article 7 of this Code as a
14 principal use for the district in which the property is located, and the new use may thereafter
15 be continued as a permitted principal use.
16

17 (2) A nonconforming use may be changed to a use listed in Article 7 of this Code as a
18 conditional use for the district in which the use is located, ~~subject to~~ only upon approval of a
19 conditional use application pursuant to the provisions of Article 3 of this Code, and the new use
20 may thereafter be continued as a permitted conditional use, subject to the provisions of
21 Section 178 of this Code.
22

23 (3) A nonconforming use may be changed to a use which is not permitted in that
24 Neighborhood Commercial District as described below, only upon approval of a conditional
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1 use application, pursuant to the provisions of Article 3 of this Code:

2 (A) Any use described in zoning categories .41, .42, .43 or .44, as defined in Sections
3 790.22, 790.92, 790.90 and 790.91, respectively, may change to another use described in
4 zoning categories .41, .42, or .44, even though such other use is not permitted in that
5 Neighborhood Commercial District, unless such other use is located in an Alcohol Restricted
6 Use Subdistrict and is prohibited by the provisions governing that Alcohol Restricted Use
7 Subdistrict.
8

9 (B) Any use described in zoning categories .51, .52 or .53, as defined in Sections
10 790.114, 790.116 and 790.108 respectively, may change to another use described in zoning
11 categories .51, .52 or .53, even though such other use is not permitted in that Neighborhood
12 Commercial District.
13

14 (C) Any use described in zoning categories .57, .58 or .59, as defined in Sections
15 790.14, 790.17 and 790.15 respectively, may be demolished and reconstructed as the same
16 use or may change to another use described in zoning categories .57, .58 or .59, even though
17 such other use is not permitted in that Neighborhood Commercial District.
18

19 The new use shall still be classified as a nonconforming use.

20 The changes in use described in this Paragraph 3 shall include remodeling activities
21 involving the demolition and replacement of structures which result in a change of use.

22 (4) In the North Beach Neighborhood Commercial District, any use that exceeds the
23 use size provisions of Section 121.2(a) or 121.2(b) may be changed to a new use only upon
24 the approval of a new conditional use application. The Commission's approval of such
25

1 conditional use application shall explicitly address the use size findings of Section 303(c). In
2 the North Beach Neighborhood Commercial District, a nonconforming use cannot be changed to any
3 use which is not a permitted principal use under Section 722 (North Beach Controls).

4 (5) In the Castro Street Neighborhood Commercial District, any use in this district that
5 exceeds the maximum use size limit of Section 121.2(b), may be not changed to a new use.
6 The only method for changing a nonconforming use identified in this Subsection is to reduce
7 the nonconforming use:

8 (A) to a conforming use size or

9 (B) to a size specified in Subsection 121.2(a) pursuant to conditional use authorization.

10 Notwithstanding the above, any use in this District that exceeds the maximum use size
11 limit of Section 121.2(b) and is categorized in the Other Retail Sales and Services zoning
12 classification, as defined in Section 790.102, may change to another use category
13 enumerated in Section 790.102 as long as the use size is not increased and the Commission
14 approves a conditional use application for such change. The Commission's approval of such
15 conditional use application shall explicitly address the use size findings of Section 303(c).

16 (d) Discontinuance. A nonconforming use which is discontinued for a period of three
17 years, or otherwise abandoned or changed to another use which is listed in Article 7 of this
18 Code as a principal or conditional use for the district in which the use is located shall not be
19 reestablished. For purposes of this Subsection, the period of nonuse for a nonconforming use
20 to be deemed discontinued in the North Beach and Castro Street Neighborhood Commercial
21 Districts shall be eighteen (18) months, except that in the North Beach Neighborhood
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1 Commercial District, the period of non use for a full service restaurant use, as defined in
2 Section 790.91, to be deemed discontinued shall be three years.

3 (e) Relocation. A nonconforming use in a Neighborhood Commercial District may be
4 reestablished at another location within that Neighborhood Commercial District only upon
5 approval of a new conditional use application pursuant to the provisions of Article 3 of this
6 Code, provided that the following conditions are met:

7 (1) The original premises shall not be occupied by an establishment of the same type
8 of use as the relocating use unless by another establishment that is relocating from within the
9 district; and

10 (2) No final permits to operate the relocated use at the new premises are granted prior
11 to the issuance of a certificate of final completion of any work to the original premises which is
12 required as conditions attached to the approval of the conditional use application; and

13 (3) Deed restrictions are recorded for the original premises in the Official Records of
14 the City and County of San Francisco, which restrictions prohibit for the duration of the Code
15 sections prohibiting the use for the district in which the use is located, the establishment and
16 operation of a new use of the same type of use as the relocated use, unless such new use is
17 relocating from within the district.
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19

20
21 Section 22. The San Francisco Planning Code is hereby amended by amending
22 Section 710.1, to read as follows:

23 **SEC. 710.1. NC-1 -- NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT.**
24
25

1 NC-1 Districts are intended to serve as local neighborhood shopping districts, providing
2 convenience retail goods and services for the immediately surrounding neighborhoods
3 primarily during daytime hours.

4 These NC-1 Districts are characterized by their location in residential neighborhoods,
5 often in outlying areas of the City. The commercial intensity of these districts varies. Many of
6 these districts have the lowest intensity of commercial development in the City, generally
7 consisting of small clusters with three or more commercial establishments, commonly grouped
8 around a corner; and in some cases short linear commercial strips with low-scale,
9 interspersed mixed-use (residential-commercial) development.

10 Building controls for the NC-1 District promote low-intensity development which is
11 compatible with the existing scale and character of these neighborhood areas. Commercial
12 development is limited to one story. Rear yard requirements at all levels preserve existing
13 backyard space.

14 NC-1 commercial use provisions encourage the full range of neighborhood-serving
15 convenience retail sales and services at the first story provided that the use size generally is
16 limited to 3,000 square feet. However, commercial uses and features which could impact
17 residential livability are prohibited, such as auto uses, financial services, general advertising
18 signs, drive-up facilities, hotels, and late-night activity; eating and drinking establishments are
19 restricted, depending upon the intensity of such uses in nearby commercial districts.

20 Housing development in new buildings is encouraged above the ground story in most
21 districts. Existing residential units are protected by prohibitions of conversions above the
22 ground story and limitations on demolitions.

23 SEC. 710. NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT NC-1
24 ZONING CONTROL TABLE
25

			NC-1
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
710.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250--252, 260, 270, 271	Varies See Zoning Map
710.11	Lot Size <i>[Per Development]</i>	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft. & above § 121.1
710.12	Rear Yard	§§ 130, 134, 136	Required at grade level and above § 134(a) (e)
710.13	Street Frontage		Required § 145.1
710.14	Awning	§ 790.20	P § 136.1(a)
710.15	Canopy	§ 790.26	
710.16	Marquee	§ 790.58	

710.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
710.20	Floor Area Ratio	§§ 102.9, 102.11, 123	1.8 to 1 § 124(a) (b)
710.21	Use Size <i>[Non-Residential]</i>	§ 790.130	P up to 2,999 sq. ft.; C 3,000 sq. ft. & above § 121.2
710.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153--157, 159--160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
710.23	Off-Street Freight Loading	§§ 150, 153--155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
710.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
710.25	Drive-Up Facility	§ 790.30	

710.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
710.27	Hours of Operation	§ 790.48	P 6 a.m.--11 p.m.; C 11 p.m.--2 a.m.
710.30	General Advertising Sign	§§ 262, 602--604, 608, 609	
710.31	Business Sign	§§ 262, 602--604, 608, 609	P § 607.1(f)1
710.32	Other Signs	§§ 262, 602--604, 608, 609	P § 607.1(c) (d) (g)

No.	Zoning Category	§ References	NC-1		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
710.38	Residential Conversion	§ 790.84	P		
710.39	Residential Demolition	§ 790.86	P	C	C

Retail Sales and Services

710.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P #		
710.41	Bar	§ 790.22	P #		
710.42	Full-Service Restaurant	§ 790.92	P #		
710.43	Large Fast Food Restaurant	§ 790.90			
710.44	Small Self-Service Restaurant	§ 790.91	C #		
710.45	Liquor Store	§ 790.55	P		
710.46	Movie Theater	§ 790.64			
710.47	Adult Entertainment	§ 790.36			
710.48	Other Entertainment	§ 790.38	C		
710.49	Financial Service	§ 790.110			

710.50	Limited Financial Service	§ 790.112	P		
710.51	Medical Service	§ 790.114	P		
710.52	Personal Service	§ 790.116	P		

No.	Zoning Category	§ References	NC-1		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
710.53	Business or Professional Service	§ 790.108	P		
710.54	Massage Establishment	§ 790.60, § 1900 Health Code			
710.55	Tourist Hotel	§ 790.46			
710.56	Automobile Parking	§§ 790.8, 156, 160	C		

1	710.57	Automotive Gas	§ 790.14			
2		Station				
3	710.58	Automotive Service	§ 790.17			
4		Station				
5	710.59	Automotive Repair	§ 790.15			
6						
7	710.60	Automotive Wash	§ 790.18			
8						
10	710.61	Automobile Sale or	§ 790.12			
11		Rental				
12	710.62	Animal Hospital	§ 790.6			
13						
15	710.63	Ambulance Service	§ 790.2			
16						
17	710.64	Mortuary	§ 790.62			
18						
19	710.65	Trade Shop	§ 790.124	P		
20						
22	710.66	Storage	§ 790.117			
23						
24	710.67	Video Store	§ 790.135	C		
25						

710.68	Fringe Financial Service	§ 790.111			
<u>710.69</u>	<u>Self-Service Specialty</u> <u>Food</u>	<u>§ 790.93</u>	<u>C#</u>		
Institutions and Non-Retail Sales and Services					
710.70	Administrative Service	§ 790.106			
710.80	Hospital or Medical Center	§ 790.44			
710.81	Other Institutions, Large	§ 790.50	P	C	
710.82	Other Institutions, Small	§ 790.51	P	P	P
710.83	Public Use	§ 790.80	C	C	C
710.84	Medical Cannabis Dispensary	§ 790.141	P #		

RESIDENTIAL STANDARDS AND USES

710.90	Residential Use	§ 790.88	P	P	P
710.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 800 sq. ft. lot area § 207.4		
710.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 275 sq. ft. lot area § 208		
710.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	Generally, either 100 sq. ft. if private, or 133 sq. ft. if common § 135(d)		
710.94	Off-Street Parking, Residential	§§ 150, 153-- 157, 159--160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
710.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR NC-1 DISTRICTS

Article 7 Code Section	Other Code Section	Zoning Controls
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1 § 710.40 § 2 710.41 § 3 710.42		Boundaries: All NC-1 Districts Controls: P if located more than 1/4 mile from any NC District or Restricted Use Subdistrict with more restrictive controls; otherwise, same as more restrictive control
5 § 710.44, 6 <u>§ 710.69</u>		Boundaries: All NC-1 Districts Controls: C if located more than 1/4 mile from any NC District or Restricted Use Subdistrict with more restrictive controls; otherwise, same as more restrictive control
10 § 710.42 § 11 710.43 § 12 710.44 13 <u>§ 710.69</u>	§ 781.1	TARAVAL STREET RESTAURANT AND FAST-FOOD SUBDISTRICT Boundaries: Applicable only for the two Taraval Street NC-1 Districts between 40th and 41st Avenues and 45th and 47th Avenues as mapped on Sectional Map 5 SU Controls: Full-service restaurants, <i>and small self-service restaurants <u>and self-service specialty</u></i> <i><u>food</u> are C; large fast-food restaurants are NP</i>
17 § 710.84 § 18 790.141		Only those medical cannabis dispensaries that can demonstrate to the Planning Department they were in operation as of April 1, 2005 and have remained in continuous operation or that were not in continuous operation since April 1, 2005, but can demonstrate to the Planning Department that the reason for their lack of continuous operation was not closure due to an actual violation of federal, state or local law, may apply for a

1 medical cannabis dispensary permit in an NC-1 District.

2
3 Section 23. The San Francisco Planning Code is hereby amended by amending
4 Section 711.1, to read as follows:

5 **SEC. 711.1. NC-2 -- SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT.**

6
7 The NC-2 District is intended to serve as the City's Small-Scale Neighborhood
8 Commercial District. These districts are linear shopping streets which provide convenience
9 goods and services to the surrounding neighborhoods as well as limited comparison shopping
10 goods for a wider market. The range of comparison goods and services offered is varied and
11 often includes specialty retail stores, restaurants, and neighborhood-serving offices. NC-2
12 Districts are commonly located along both collector and arterial streets which have transit
13 routes.

14 These districts range in size from two or three blocks to many blocks, although the
15 commercial development in longer districts may be interspersed with housing or other land
16 uses. Buildings typically range in height from two to four stories with occasional one-story
17 commercial buildings.

18 The small-scale district controls provide for mixed-use buildings which approximate or
19 slightly exceed the standard development pattern. Rear yard requirements above the ground
20 story and at residential levels preserve open space corridors of interior blocks.

21 Most new commercial development is permitted at the ground and second stories.
22 Neighborhood-serving businesses are strongly encouraged. Eating and drinking and
23 entertainment uses, however, are confined to the ground story. The second story may be
24 25

used by some retail stores, personal services, and medical, business and professional offices. Parking and hotels are monitored at all stories. Limits on late-night activity, drive-up facilities, and other automobile uses protect the livability within and around the district, and promote continuous retail frontage.

Housing development in new buildings is encouraged above the ground story. Existing residential units are protected by limitations on demolition and upper-story conversions.

SEC. 711. SMALL-SCALE NEIGHBORHOOD COMMERCIAL
DISTRICT NC-2 ZONING CONTROL TABLE

			NC-2
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
711.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250–252, 260, 270, 271	Generally, 40-X See Zoning Map
711.11	Lot Size <i>[Per Development]</i>	§§ 790.56, 121.1	P up to 9,999 sq. ft.; C 10,000 sq. ft. & above § 121.1
711.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels §

			134(a) (e)
711.13	Street Frontage		Required § 145.1
711.14	Awning	§ 790.20	P § 136.1(a)
711.15	Canopy	§ 790.26	P § 136.1(b)
711.16	Marquee	§ 790.58	P § 136.1(c)
711.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
711.20	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1 § 124(a) (b)
711.21	Use Size <i>[Non-Residential]</i>	§ 790.130	P up to 3,999 sq. ft.; C 4,000 sq. ft. & above § 121.2
711.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153--157, 159--160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151,

			161(g)
711.23	Off-Street Freight Loading	§§ 150, 153--155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
711.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
711.25	Drive-Up Facility	§ 790.30	
711.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
711.27	Hours of Operation	§ 790.48	P 6 a.m.--2 a.m.; C 2 a.m.--6 a.m.
711.30	General Advertising Sign	§§ 262, 602--604, 608, 609	P § 607.1(e)1.
711.31	Business Sign	§§ 262, 602--604, 608, 609	P § 607.1(f) 2
711.32	Other Signs	§§ 262, 602--604, 608, 609	P § 607.1(c) (d) (g)

No.	Zoning Category	§ References	NC-2		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
711.38	Residential Conversion	§ 790.84	P	C	
711.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
711.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P	P	
711.41	Bar	§ 790.22	P		
711.42	Full-Service Restaurant	§ 790.92	P #		
711.43	Large Fast Food Restaurant	§ 790.90	C #		
711.44	Small Self-Service Restaurant	§ 790.91	P #		

711.45	Liquor Store	\$ 790.55	P		
711.46	Movie Theater	\$ 790.64	P		
711.47	Adult Entertainment	\$ 790.36			
711.48	Other Entertainment	\$ 790.38	P		
711.49	Financial Service	\$ 790.110	P #	C #	
711.50	Limited Financial Service	\$ 790.112	P #		
711.51	Medical Service	\$ 790.114	P	P	
711.52	Personal Service	\$ 790.116	P	P	
711.53	Business or Professional Service	\$ 790.108	P	P	
711.54	Massage Establishment	\$ 790.60, \$ 1900 Health Code	C		

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711.55	Tourist Hotel	§ 790.46	C	C	C
711.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
711.57	Automotive Gas Station	§ 790.14	C		
711.58	Automotive Service Station	§ 790.17	C		
711.59	Automotive Repair	§ 790.15	C		
711.60	Automotive Wash	§ 790.18			
711.61	Automobile Sale or Rental	§ 790.12			
711.62	Animal Hospital	§ 790.6	C		
711.63	Ambulance Service	§ 790.2			
711.64	Mortuary	§ 790.62			
711.65	Trade Shop	§ 790.124	P #	C #	

711.66	Storage	§ 790.117			
711.67	Video Store	§ 790.135	C	C	
711.68	Fringe Financial Service	§ 790.111	P#		
<u>711.69</u>	<u>Self-Service Specialty</u> <u>Food</u>	<u>§ 790.93</u>	<u>P#</u>		
Institutions and Non-Retail Sales and Services					
711.70	Administrative Service	§ 790.106			
711.80	Hospital or Medical Center	§ 790.44			
711.81	Other Institutions, Large	§ 790.50	P	C	C

711.82	Other Institutions, Small	§ 790.51	P	P	P
711.83	Public Use	§ 790.80	C	C	C
711.84	Medical Cannabis Dispensary	§ 790.141	P #		
RESIDENTIAL STANDARDS AND USES					
711.90	Residential Use	§ 790.88	P	P	P
711.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 800 sq. ft. lot area § 207.4		
711.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 275 sq. ft. lot area § 208		
711.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	Generally, either 100 sq. ft. if private, or 133 sq. ft. if common § 135(d)		
711.94	Off-Street Parking, Residential	§§ 150, 153-- 157, 159--160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
711.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR NC-2 DISTRICTS :

Article 7 Code Section	Other Code Section	Zoning Controls
§ 711.42 § 711.43 § 711.44 § <u>711.69</u>	§ 781.1	TARAVAL STREET RESTAURANT AND FAST-FOOD SUBDISTRICT Boundaries: Applicable only for the Taraval Street NC-2 District between 12th and 36th Avenues as mapped on Sectional Maps 5 SU and 6 SU Controls: Full-service restaurants, and small self-service restaurants <u>and self-service specialty food</u> are C; large fast- food restaurants are NP
§ 711.42 § 711.43 § 711.44 § <u>711.69</u>	§ 781.2	IRVING STREET RESTAURANT AND FAST-FOOD SUBDISTRICT Boundaries: Applicable only for the portion of the Irving Street NC-2 District between 19th and 27th Avenues as mapped on Sectional Map 5 SU Controls: Small self-service restaurants <u>and self-service</u> <u>specialty food</u> are C; full-service restaurants and large fast-food restaurants are NP
§ 711.43 § 711.44 § <u>711.69</u>	§ 781.3	OCEAN AVENUE FAST-FOOD SUBDISTRICT Boundaries: Applicable only for the Ocean Avenue NC-2 District from Manor Drive to Phelan Avenue as mapped on Sectional Map 12 SU Controls: Small self-service

		restaurants, <u>self-service specialty food</u> and large fast-food restaurants are NP
§ 711.49 § 711.50 § 711.68	§ 781.7	CHESTNUT STREET FINANCIAL SERVICE SUBDISTRICT Boundaries: Applicable only for the Chestnut Street NC-2 District from Broderick to Fillmore Streets as mapped on Sectional Map 2 SU Controls: Financial services, limited financial services, and fringe financial services are NP
§ 711.65	§ 236	GARMENT SHOP SPECIAL USE DISTRICT Boundaries: Applicable only for the portion of the Pacific Avenue NC-2 District east of Hyde Street as mapped on Sectional Map 1 SU a Controls: Garment shops are P at the 1st and 2nd stories
§ 711.68	§ 249.35	FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD) Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, properties within: the Mission Alcoholic Beverage Special Use District the Haight Street Alcohol Restricted Use District; the Third Street Alcohol Restricted Use District; the Divisadero Street Alcohol Restricted Use District; and the North of Market Residential Special Use District; and includes Small-Scale Neighborhood Commercial Districts within its boundaries. Controls:

		Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).
§ 711.84 § 790.141	Health Code § 3308	Medical cannabis dispensaries in NC-2 District may only operate between the hours of 8 a.m. and 10 p.m.

Section 24. The San Francisco Planning Code is hereby amended by amending Section 712.1, to read as follows:

SEC. 712.1. NC-3 -- MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT.

NC-3 Districts are intended in most cases to offer a wide variety of comparison and specialty goods and services to a population greater than the immediate neighborhood, additionally providing convenience goods and services to the surrounding neighborhoods. NC-3 Districts are linear districts located along heavily trafficked thoroughfares which also serve as major transit routes.

NC-3 Districts include some of the longest linear commercial streets in the City, some of which have continuous retail development for many blocks. Large-scale lots and buildings and wide streets distinguish the districts from smaller-scaled commercial streets, although the districts may include small as well as moderately scaled lots. Buildings typically range in height from two to four stories with occasional taller structures.

NC-3 building standards permit moderately large commercial uses and buildings. Rear yards are protected at residential levels.

A diversified commercial environment is encouraged for the NC-3 District, and a wide variety of uses are permitted with special emphasis on neighborhood-serving businesses. Eating and drinking, entertainment, financial service and certain auto uses generally are permitted with certain limitations at the first and second stories. Other retail businesses, personal services and offices are permitted at all stories of new buildings. Limited storage and administrative service activities are permitted with some restrictions.

Housing development in new buildings is encouraged above the second story. Existing residential units are protected by limitations on demolitions and upper-story conversions.

SEC. 712. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT

NC-3 ZONING CONTROL TABLE

			NC-3
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
712.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250--252, 260, 270, 271	Generally, 40-X See Zoning Map
712.11	Lot Size	§§ 790.56, 121.1	P up to 9,999 sq. ft.; C 10,000 sq. ft. & above

	<i>[Per Development]</i>		§ 121.1
712.12	Rear Yard	§§ 130, 134, 136	Required at residential levels only § 134(a)(e)
712.13	Street Frontage		Required § 145.1
712.14	Awning	§ 790.20	P § 136.1(a)
712.15	Canopy	§ 790.26	P § 136.1(b)
712.16	Marquee	§ 790.58	P § 136.1(c)
712.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
712.20	Floor Area Ratio	§§ 102.9, 102.11, 123	3.6 to 1 § 124(a) (b)
712.21	Use Size <i>[Non-Residential]</i>	§ 790.130	P up to 5,999 sq. ft.; C 6,000 sq. ft. & above § 121.2
712.22	Off-Street Parking,	§§ 150, 153--157,	Generally, none

	Commercial/Institutional	159--160, 204.5	required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
712.23	Off-Street Freight Loading	§§ 150, 153--155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
712.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
712.25	Drive-Up Facility	§ 790.30	#
712.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
712.27	Hours of Operation	§ 790.48	No Limit
712.30	General Advertising Sign	§§ 262, 602--604, 608, 609	P # § 607.1(e)2
712.31	Business Sign	§§ 262, 602--604, 608, 609	P # § 607.1(f)3

712.32	Other Signs	§§ 262, 602--604, 608, 609	P # § 607.1(c) (d) (g)
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No.	Zoning Category	§ References	NC-3		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
712.38	Residential Conversion	§ 790.84	P	C	C #
712.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
712.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P #	P #	P #
712.41	Bar	§ 790.22	P	P	
712.42	Full-Service Restaurant	§ 790.92	P	P	

1	712.43	Large Fast Food	§ 790.90	C #	C #	
2		Restaurant				
3	712.44	Small Self-Service	§ 790.91	P #	P #	
4		Restaurant				
5	712.45	Liquor Store	§ 790.55			
6						
7	712.46	Movie Theater	§ 790.64	P	P	
8						
9	712.47	Adult Entertainment	§ 790.36	C	C	
10						
11	712.48	Other Entertainment	§ 790.38	P	P	
12						
13	712.49	Financial Service	§ 790.110	P	P	
14						
15	712.50	Limited Financial	§ 790.112	P	P	
16		Service				
17	712.51	Medical Service	§ 790.114	P	P	P
18						
19	712.52	Personal Service	§ 790.116	P	P	P
20						
21	712.53	Business or	§ 790.108	P	P	P
22						
23						
24						
25						

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	Professional Service				
712.54	Massage Establishment	§ 790.60, § 1900 Health Code	C	C	
712.55	Tourist Hotel	§ 790.46	C	C	C
712.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
712.57	Automobile Gas Station	§ 790.14	C		
712.58	Automotive Service Station	§ 790.17	C		
712.59	Automotive Repair	§ 790.15	C	C	
712.60	Automotive Wash	§ 790.18	C		
712.61	Automobile Sale or Rental	§ 790.12	C		
712.62	Animal Hospital	§ 790.6	C	C	
712.63	Ambulance Service	§ 790.2	C		

712.64	Mortuary	§ 790.62	C	C	C
712.65	Trade Shop	§ 790.124	P	C	C
712.66	Storage	§ 790.117	C	C	C
712.67	Video Store	§ 790.135	C	C	C
712.68	Fringe Financial Service	§ 790.111	P#		
<u>712.69</u>	<u>Self-Service Specialty</u> <u>Food</u>	<u>§ 790.93</u>	<u>P#</u>	<u>P#</u>	
Institutions and Non-Retail Sales and Services					
712.70	Administrative Service	§ 790.106	C	C	C
712.80	Hospital or Medical Center	§ 790.44	C	C	C

712.81	Other Institutions, Large	§ 790.50	P	P	P
712.82	Other Institutions, Small	§ 790.51	P	P	P
712.83	Public Use	§ 790.80	C	C	C
712.84	Medical Cannabis Dispensary	§ 790.141	P #		
RESIDENTIAL STANDARDS AND USES					
712.90	Residential Use	§ 790.88	P	P	P
712.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 600 sq. ft. lot area § 207.4		
712.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 210 sq. ft. lot area § 208		
712.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 80 sq. ft. if private, or 100 sq. ft. if common § 135(d)		
712.94	Off-Street Parking, Residential	§§ 150, 153-157, 159--160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		

712.95	Community Residential Parking	§ 790.10	C	C	C
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SPECIFIC PROVISIONS FOR NC-3 DISTRICTS

TABLE INSET:

Article 7 Code Section	Other Code Section	Zoning Controls
§ 712.25 § 712.40	§ 249.14	THIRD STREET SPECIAL USE DISTRICT Boundaries: Applicable only to the portion of the Third Street SUD as shown on Sectional Map 10 SU zoned NC-3 Controls: Off-sale retail liquor sales as defined in Section 249.14(b)(1)(A) are NP; drive-up facilities for large fast- food restaurants, <i>and</i> small self-service restaurants <i>and</i> <u>self-service specialty food</u> are C
§ 712.30 § 712.31 § 712.32	§ 608.10	UPPER MARKET STREET SPECIAL SIGN DISTRICT Boundaries: Applicable only for the portion of the Market Street NC-3 District from Octavia to Church Streets as mapped on Sectional Map SSD Controls: Special restrictions and limitations for signs

§ 712.38	§ 790.84	Boundaries: Applicable to NC-3 Districts Controls: A residential use may be converted to an Other Institution, Large, use, as defined by Section 790.50 of this Code, as a conditional use on the third story and above if in addition to the criteria set forth in Section 303, the Commission finds that: (1) The structure in which the residential use is to be converted has been found eligible for listing on the National Register of Historic Places; (2) The proposed Other Institution, Large, use is to be operated by a nonprofit public benefit corporation; and (3) No legally residing residential tenants will be displaced.
§ 712.43	§ 781.4	GEARY BOULEVARD FAST-FOOD SUBDISTRICT Boundaries: Applicable only for the portion of the Geary Boulevard NC-3 District between 14th and 28th Avenues as mapped on Sectional Maps 3 SU and 4 SU Controls: Large fast-food restaurants are NP
§ 712.43 § 712.44 & <u>712.69</u>	§ 781.5	MISSION STREET FAST-FOOD SUBDISTRICT Boundaries: Applicable only for the portion of the Mission Street NC-3 District between 15th Avenue and Randall Street as mapped on Sectional Map 7 SU Controls: Small self-service restaurants <u>and self-service specialty food</u> are C; large fast-food restaurants are NP
§ 712.45	§ 781.10	17TH AND RHODE ISLAND STREET GROCERY

		STORE SPECIAL USE SUBDISTRICT. Boundaries: Applicable only for the block bound by 17th, Rhode Island, Mariposa and Kansas Streets as mapped on Sectional Map 8 SU Controls: One liquor store on the first or second story is C if operated as integral element of a grocery store of not less than 30,000 gross square feet. Nighttime Entertainment uses are not permitted.
§ 712.68	§ 249.35	FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD) Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, properties within: the Mission Alcoholic Beverage Special Use District; the Haight Street Alcohol Restricted Use District; the Third Street Alcohol Restricted Use District; the Divisadero Street Alcohol Restricted Use District; and the North of Market Residential Special Use District; and includes Moderate-Scale Neighborhood Commercial Districts within its boundaries. Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).
§ 712.84	§ Health	Medical cannabis dispensaries in NC-3 District may only

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	790.141	Code § 3308	operate between the hours of 8 a.m. and 10 p.m.
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Section 25. The San Francisco Planning Code is hereby amended by amending Section 713.1, to read as follows:

SEC. 713.1. NC-S -- NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT.

NC-S Districts are intended to serve as small shopping centers or supermarket sites which provide retail goods and services for primarily car-oriented shoppers. They commonly contain at least one anchor store or supermarket, and some districts also have small medical office buildings. The range of services offered at their retail outlets usually is intended to serve the immediate and nearby neighborhoods. These districts encompass some of the most recent (post-1945) retail development in San Francisco's neighborhoods and serve as an alternative to the linear shopping street.

Shopping centers and supermarket sites contain mostly one-story buildings which are removed from the street edge and set in a parking lot. Outdoor pedestrian activity consists primarily of trips between the parking lot and the stores on-site. Ground and second stories are devoted to retail sales and some personal services and offices.

The NC-S standards and use provisions allow for medium-size commercial uses in low-scale buildings. Rear yards are not required for new development. Most neighborhood-serving retail businesses are permitted at the first and second stories, but limitations apply to fast-food restaurants and take-out food uses. Some auto uses are permitted at the first story. Limited storage and administrative service activities are permitted with some restrictions.

Housing development in new buildings is permitted. Existing residential units are protected by limitations on demolitions and prohibitions of upper-story conversions.

SEC. 713. NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT
NC-S ZONING CONTROL TABLE

			NC-S
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
713.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250--252, 260, 270, 271	Generally, 40-X # See Zoning Map
713.11	Lot Size <i>[Per Development]</i>	§§ 790.56, 121.1	Not Applicable
713.12	Rear Yard	§§ 130, 134, 136	Not Required
713.13	Street Frontage		Required § 145.1
713.14	Awning	§ 790.20	P § 136.1(a)
713.15	Canopy	§ 790.26	P § 136.1(b)

713.16	Marquee	§ 790.58	P § 136.1(c)
713.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
713.20	Floor Area Ratio	§§ 102.9, 102.12, 123	1.8 to 1 § 124(a)(b)
713.21	Use Size <i>[Non-Residential]</i>	§ 790.130	P up to 5,999 sq. ft.; C 6,000 sq. ft. & above § 121.2
713.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153--157, 159--160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
713.23	Off-Street Freight Loading	§§ 150, 153--155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
713.24	Outdoor Activity Area	§ 790.70	P/C § 145.2(a)

713.25	Drive-Up Facility	§ 790.30	C
713.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
713.27	Hours of Operation	§ 790.48	P 6 a.m.--2 a.m.;# C 2 a.m. 6 a.m.#
713.30	General Advertising Sign	§§ 262, 602--604, 608, 609	P # § 607.1(e)1
713.31	Business Sign	§§ 262, 602--604, 608, 609	P § 607.1(f)2
713.32	Other Signs	§§ 262, 602--604, 608, 609	P § 607.1(c) (d) (g)

No.	Zoning Category	§ References	NC-S		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
713.38	Residential Conversion	§ 790.84	P		

713.39	Residential Demolition	\$ 790.86	P	C	C
Retail Sales and Services					
713.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	\$ 790.102	P	P	
713.41	Bar	\$ 790.22	P #	P #	
713.42	Full-Service Restaurant	\$ 790.92	P	P	
713.43	Large Fast-Food Restaurant	\$ 790.90	C	C	
713.44	Small Self-Service Restaurant	\$ 790.91	P #	P #	
713.45	Liquor Store	\$ 790.55	P		
713.46	Movie Theater	\$ 790.64	P #	#	
713.47	Adult Entertainment	\$ 790.36			
713.48	Other Entertainment	\$ 790.38	P #	P #	

713.49	Financial Service	§ 790.110	P	P	#
713.50	Limited Financial Service	§ 790.112	P	P	
713.51	Medical Service	§ 790.114	P	P	#
713.52	Personal Service	§ 790.116	P	P	#
713.53	Business or Professional Service	§ 790.108	P	P	#
713.54	Massage Establishment	§ 790.60, § 1900 Health Code	C	C	
713.55	Tourist Hotel	§ 790.46	C #	C #	C #
713.56	Automobile Parking	§§ 790.8, 156, 160	P	P	
713.57	Automotive Gas Station	§ 790.14	C		
713.58	Automotive Service	§ 790.17	P		

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	Station				
713.59	Automotive Repair	\$ 790.15			
713.60	Automotive Wash	\$ 790.18	C		
713.61	Automobile Sale or Rental	\$ 790.12			
713.62	Animal Hospital	\$ 790.6	C	C	
713.63	Ambulance Service	\$ 790.2			
713.64	Mortuary	\$ 790.62	C #	C #	
713.65	Trade Shop	\$ 790.124	P	P	
713.66	Storage	\$ 790.117	C	C	
713.67	Video Store	\$ 790.135	C	C	
713.68	Fringe Financial Service	\$ 790.111			

<u>713.69</u>		<u>§ 790.93</u>	P#	P#	
	<u>Self-Service Specialty</u>				
	<u>Food</u>		P#		

Institutions and Non-Retail Sales and Services

713.70	Administrative Service	§ 790.106	C #	C #	#
713.80	Hospital or Medical Center	§ 790.44			
713.81	Other Institutions, Large	§ 790.50	P #	P #	#
713.82	Other Institutions, Small	§ 790.51	P #	P #	P #
713.83	Public Use	§ 790.80	C	C	C
713.84	Medical Cannabis Dispensary	§ 790.141	P #		

RESIDENTIAL STANDARDS AND USES

713.90	Residential Use	§ 790.88	P #	P #	P #
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713.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 800 sq. ft. lot area # § 207.4		
713.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 275 sq. ft. lot area # § 208		
713.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	Generally, either 100 sq. ft if private, or 133 sq. ft. if common # § 135(d)		
713.94	Off-Street Parking, Residential	§§ 150, 153-- 157, 159--160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
713.95	Community Residential Parking	§ 790.10	C	C #	C #

SPECIFIC PROVISIONS FOR NC-S DISTRICTS

Article 7 Code Section	Other Code Section	Zoning Controls
§ 713.10 § 713.27 § 713.30 § 713.41 § 713.44 § 713.46 § 713.48 § 713.49 § 713.51 § 713.52 § 713.53 § 713.64	§ 253.3 § 780.1	LAKESHORE PLAZA SPECIAL USE DISTRICT Boundaries: Applicable only for the Lakeshore Plaza NC-S District as mapped on Sectional Map 13SU and

1 <u>§ 713.69</u> § 713.70 § 713.81 2 § 713.82 § 713.90 § 713.91 3 § 713.92 § 713.93 § 713.95		13H Controls: Special controls on various features and uses, and residential standards
5 6 7 § 713.68 8 9	§ 249.35	Fringe financial services are P subject to the restrictions set forth in Section 249.35, including, but not limited to, the proximity restrictions set forth in Subsection 249.35(c)(3).
10 11 12 13 14 § 713.55 15 16 17	§ 780.2	BAYSHORE-HESTER SPECIAL USE DISTRICT Boundaries: Applicable only for the Bayshore-Hester Special Use District NC-S District as mapped on the Sectional Map 10SU Controls: Tourist hotels (inclusive of motels) may be permitted as a conditional use.
18 19 § 713.84 § 790.141 20	Health Code § 3308	Medical cannabis dispensaries in NC-S District may only operate between the hours of 8 a.m. and 10 p.m.

22 Section 26. The San Francisco Planning Code is hereby amended by amending
23 Section 714.1, to read as follows:

24 **SEC. 714.1. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT.**

25
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1 The Broadway Neighborhood Commercial District, located in the northeast quadrant of
2 San Francisco, extends along Broadway from west of Columbus Avenue to Osgood Place. It
3 is part of a larger commercial area which includes North Beach to the north, Chinatown to the
4 south and west, and Jackson Square to the southeast. Broadway's fame and popularity as a
5 Citywide and regional entertainment district is derived from a concentration of nightclubs,
6 music halls, adult theaters, bars, and restaurants between Grant Avenue and Montgomery
7 Street. These places attract locals and visitors alike, mainly in the evening and late-night
8 hours. In addition to the entertainment and some retail businesses, Broadway contains many
9 upper-story residential hotels. Due to its proximity to downtown, there is strong pressure to
10 develop upper-story offices.

11 The Broadway District controls are designed to encourage development that is
12 compatible with the existing moderate building scale and mixed-use character, and maintain
13 the district's balance of entertainment uses, restaurants, and small-scale retail stores. New
14 buildings exceeding 40 feet in height will be carefully reviewed and rear yards at residential
15 levels are protected. Most commercial uses in new buildings are permitted at the first two
16 stories. Neighborhood-serving businesses are strongly encouraged. In order to protect the
17 livability of the area, limitations apply to new fast-food restaurants and adult entertainment
18 uses at the first and second stories, as well as late-night activity. Financial services are
19 allowed on the ground story subject to certain limitations. Nonretail offices are prohibited in
20 order to prevent encroachment of the adjoining downtown office uses. Due to the high traffic
21 volume on Broadway, most automobile and drive-up uses are prohibited in order to prevent
22 further traffic congestion. Parking garages are permitted if their ingress and egress do not
23 disrupt the traffic flow on Broadway.

Housing development in new buildings is encouraged above the second story. Existing housing is protected by limitations on demolitions and upper-story conversions.

SEC. 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

			Broadway
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
714.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250-252, 260, 270, 271	P up to 40 ft. C 40 to 65 ft. § 253.1
714.11	Lot Size <i>[Per Development]</i>	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft. & above § 121.1
714.12	Rear Yard	§§ 130, 134, 136	Required at residential level only § 134(a) (e)
714.13	Street Frontage		Required § 145.1
714.14	Awning	§ 790.20	P § 136.1(a)
714.15	Canopy	§ 790.26	P § 136.1(b)
714.16	Marquee	§ 790.58	P § 136.1(c)
714.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			

1	714.20	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1 § 124(a) (b)
2	714.21	Use Size <i>[Non-Residential]</i>	§ 790.130	P up to 2,999 sq. ft.; C 3,000 sq. ft. & above § 121.2
3	714.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153--157, 159--160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
4	714.23	Off-Street Freight Loading	§§ 150, 153--155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
5	714.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
6	714.25	Drive-Up Facility	§ 790.30	
7	714.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
8	714.27	Hours of Operation	§ 790.48	P 6 a.m.--2 a.m.; C 2 a.m.--6 a.m.
9	714.30	General Advertising Sign	§§ 262, 602--604, 608, 609	
10	714.31	Business Sign	§§ 262, 602--604, 608,	P § 607.1(f)2

		609			
714.32	Other Signs	§§ 262, 602--604, 608, 609	P § 607.1(c) (d) (g)		
No.	Zoning Category	§ References	Broadway		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
714.38	Residential Conversion	§ 790.84	P	C	
714.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
714.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P #	P #	
714.41	Bar	§ 790.22	P	P	
714.42	Full-Service Restaurant	§ 790.92	P	P	
714.43	Large Fast Food Restaurant	§ 790.90			
714.44	Small Self-Service Restaurant	§ 790.91	C	C	
714.45	Liquor Store	§ 790.55	C		
714.46	Movie Theater	§ 790.64	P	P	
714.47	Adult Entertainment	§ 790.36	C	C	
714.48	Other Entertainment	§ 790.38	P	P	
714.49	Financial Service	§ 790.110	C		

714.50	Limited Financial Service	§ 790.112	C		
714.51	Medical Service	§ 790.114	P	P	
714.52	Personal Service	§ 790.116	P	P	
714.53	Business or Professional Service	§ 790.108	P	P	
714.54	Massage Establishment	§ 790.60, § 1900 Health Code	P	C	
714.55	Tourist Hotel	§ 790.46	C	C	C
714.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
714.57	Automotive Gas Station	§ 790.14			
714.58	Automotive Service Station	§ 790.17			
714.59	Automotive Repair	§ 790.15			
714.60	Automotive Wash	§ 790.18			
714.61	Automobile Sale or Rental	§ 790.12			
714.62	Animal Hospital	§ 790.6	C		
714.63	Ambulance Service	§ 790.2			
714.64	Mortuary	§ 790.62			

1	714.65	Trade Shop	§ 790.124	P #	C #	
2	714.66	Storage	§ 790.117			
3	714.67	Video Store	§ 790.135	C	C	
4	714.68	Fringe Financial Service	§ 790.111			
5	<u>714.69</u>	<u>Self-Service Specialty Food</u>	<u>§ 790.93</u>	<u>C</u>	<u>C</u>	
6	Institutions and Non-Retail Sales and Services					
7	714.70	Administrative Service	§ 790.106			
8	714.80	Hospital or Medical Center	§ 790.44			
9	714.81	Other Institutions, Large	§ 790.50	P	C	C
10	714.82	Other Institutions, Small	§ 790.51	P	P	P
11	714.83	Public Use	§ 790.80	C	C	C
12	714.84	Medical Cannabis Dispensary	§ 790.141	P		
13	RESIDENTIAL STANDARDS AND USES					
14	714.90	Residential Use	§ 790.88	P	P	P
15	714.91	Residential Density.	§§ 207,	Generally 1 unit per 400 sq. ft.		

	Dwelling Units	207.1, 790.88(a)	lot area § 207.4		
714.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 140 sq. ft. lot area § 208		
714.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	Generally, either 60 sq. ft if private, or 80 sq. ft. if common § 135(d)		
714.94	Off-Street Parking, Residential	§§ 150, 153--157, 159--160, 204.5	Generally, 1 space foreach dwelling unit §§ 151, 161(a) (g)		
714.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR THE BROADWAY
NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
§ 714.10	§ 253.1	65-A-1 HEIGHT AND BULK DISTRICT Boundaries: Applicable for all of the Broadway NCD from Columbus Avenue to Osgood Place as mapped on Sectional Map 1H Controls: Building height and bulk limits are P up to 40 feet; C between 40 feet and 65 feet
§ 714.40	§ 790.102(n)	BROADWAY SPECIALTY RETAIL USES Boundaries: Broadway NCD Controls: Retail coffee stores defined pursuant to Code § 790.102(n) are not permitted without conditional use authorization except to the extent qualifying as specialty grocery permitted pursuant to § 790.102(b)
§ 714.65	§ 236	GARMENT SHOP SPECIAL USE DISTRICT Boundaries: Applicable only for the portion of Broadway NCD as mapped on Sectional Map 1 SU a Controls: Garment shops are P at the 1st and 2nd stories

1
2 Section 27. The San Francisco Planning Code is hereby amended by amending
3 Section 715.1, to read as follows:

4 **SEC. 715.1. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

5 The Castro Street District is situated in Eureka Valley, close to the geographic center of
6 San Francisco between the Mission District, Twin Peaks, and Upper Market Street. The
7 physical form of the district is a crossing at Castro and 18th Streets, the arms of which contain
8 many small, but intensely active commercial businesses. The multi-purpose commercial
9 district provides both convenience goods to its immediate neighborhood as well as
10 comparison shopping goods and services on a specialized basis to a wider trade area.
11 Commercial businesses are active both in the daytime and late into the evening and include a
12 number of gay-oriented bars and restaurants, as well as several specialty clothing and gift
13 stores. The district also supports a number of offices in converted residential buildings.

14 The Castro Street District controls are designed to maintain existing small-scale
15 development and promote a balanced mix of uses. Building standards permit small-scale
16 buildings and uses and protect rear yards above the ground story and at residential levels. In
17 new buildings, most commercial uses are permitted at the ground and second stories. Special
18 controls are necessary to preserve the existing equilibrium of neighborhood-serving
19 convenience and specialty commercial uses. In order to maintain convenience stores and
20 protect adjacent residential livability, controls prohibit additional eating and drinking
21 establishments and permit with certain limitations new late-night uses, adult and other
22 entertainment, and financial service uses. The continuous retail frontage is maintained by
23 prohibiting most automobile and drive-up uses.
24
25

Housing development in new buildings is encouraged above the second story. Existing housing units are protected by limitations on demolitions and upper-story conversions.

SEC. 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE:

			Castro Street
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
715.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250--252, 260, 270, 271	40-X, 65B See Zoning Map
715.11	Lot Size <i>[Per Development]</i>	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft & above § 121.1
715.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a) (e)
715.13	Street Frontage		Required § 145.1

1	715.14	Awning	§ 790.20	P § 136.1(a)
2				
3	715.15	Canopy	§ 790.26	P § 136.1(b)
4				
5	715.16	Marquee	§ 790.58	P § 136.1(c)
6				
7	715.17	Street Trees		Required § 143
8				
9				
10	COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
11	715.20	Floor Area Ratio	§§ 102.9, 102.11, 123	3.0 to 1 § 124(a) (b)
12				
13	715.21	Use Size <i>[Non-Residential]</i>	§ 790.130	P to 1,999 sq. ft.; C 2,000 sq. ft. to 3,999 sq. ft.; NP 4,000 sq. ft. & above § 121.2
14				
15	715.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153--157, 159--160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
16				
17	715.23	Off-Street Freight Loading	§§ 150, 153--155,	Generally, none
18				
19				
20				
21				
22				
23				
24				
25				

		204.5	required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
715.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
715.25	Drive-Up Facility	§ 790.30	
715.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
715.27	Hours of Operation	§ 790.48	P 6 a.m.--2 a.m.; C 2 a.m.--6 a.m.
715.30	General Advertising Sign	§§ 262, 602--604, 608, 609	
715.31	Business Sign	§§ 262, 602--604, 608, 609	P # § 607.1(f)2
715.32	Other Signs	§§ 262, 602--604, 608, 609	P # § 607.1(c) (d) (g)

TABLE INSET:

Supervisor Peskin
BOARD OF SUPERVISORS

No.	Zoning Category	§ References	Castro Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
715.38	Residential Conversion	§ 790.84	P	C	
715.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
715.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P	P	
715.41	Bar	§ 790.22			
715.42	Full-Service Restaurant	§ 790.92			
715.43	Large Fast Food Restaurant	§ 790.90	C #		
715.44	Small Self-Service Restaurant	§ 790.91			

715.45	Liquor Store	§ 790.55	C		
715.46	Movie Theater	§ 790.64	P		
715.47	Adult Entertainment	§ 790.36	C		
715.48	Other Entertainment	§ 790.38	C #		
715.49	Financial Service	§ 790.110	C	C	
715.50	Limited Financial Service	§ 790.112	C		
715.51	Medical Service	§ 790.114	P	P	C
715.52	Personal Service	§ 790.116	P	P	C
715.53	Business or Professional Service	§ 790.108	P	P	C
715.54	Massage Establishment	§ 790.60, § 1900 Health	P	C	

		Code			
715.55	Tourist Hotel	\$ 790.46	C	C	C
715.56	Automobile Parking	\$\$ 790.8, 156, 160	C	C	C
715.57	Automotive Gas Station	\$ 790.14			
715.58	Automotive Service Station	\$ 790.17			
715.59	Automotive Repair	\$ 790.15			
715.60	Automotive Wash	\$ 790.18			
715.61	Automobile Sale or Rental	\$ 790.12			
715.62	Animal Hospital	\$ 790.6	C		
715.63	Ambulance Service	\$ 790.2			
715.64	Mortuary	\$ 790.62			

1	715.65	Trade Shop	\$ 790.124	P	C	
2						
3	715.66	Storage	\$ 790.117			
4						
5	715.67	Video Store	\$ 790.135	C	C	
6						
7						
8	715.68	Fringe Financial Service	\$ 790.111			
9						
10	<u>715.69</u>	<u>Self-Service Specialty Food</u>	<u>\$ 790.93</u>			
11						
12						
13	Institutions and Non-Retail Sales and Services					
14						
15	715.70	Administrative Service	\$ 790.106			
16						
17	715.80	Hospital or Medical Center	\$ 790.44			
18						
19	715.81	Other Institutions, Large	\$ 790.50	P	C	C
20						
21	715.82	Other Institutions, Small	\$ 790.51	P	P	P
22						
23	715.83	Public Use	\$ 790.80	C	C	C
24						
25						

Supervisor Peskin
BOARD OF SUPERVISORS

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715.84	Medical Cannabis Dispensary	§ 790.141	P		
RESIDENTIAL STANDARDS AND USES					
715.90	Residential Use	§ 790.88	P	P	P
715.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 600 sq. ft. lot area § 207.4		
715.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 210 sq. ft. lot area § 208		
715.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	Generally, either 80 sq. ft. if private, or 100 sq. ft. if common § 135(d)		
715.94	Off-Street Parking, Residential	§§ 150, 153--157, 159--160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		

715.95	Community Residential Parking	§ 790.10	C	C	C
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SPECIFIC PROVISIONS FOR CASTRO STREET

NEIGHBORHOOD COMMERCIAL DISTRICT

TABLE INSET:

Article 7 Code Section	Other Code Section	Zoning Controls
§ 715.31 § 715.32	§ 608.10	UPPER MARKET STREET SPECIAL SIGN DISTRICT
		Boundaries: Applicable only for the portions of the Castro Street NCD as mapped on Sectional Map SSD Controls: Special restrictions and limitations for signs
§ 715.43		Boundaries: Applicable for the Castro Street NCD
		Controls: A large fast food restaurant may be permitted as a conditional use if in addition to the criteria set forth in § 303, the Commission finds that:
		(1) The large fast food restaurant will be located in an

existing building that:

(a) Is situated within the Castro Street NCD and adjacent to the Upper Market Street NCD, and

(b) Straddles the intersection of Castro and Market Streets, where heavy pedestrian traffic already exists for the many retail businesses in the area, and the addition of a large fast food restaurant would not cause additional burdens to the street;

(2) The large fast food restaurant will be located in a building jointly occupied by a nonprofit community group providing medical, cultural, social, or other community services to the Castro Street NCD;

(3) The fast food restaurant will contribute substantially to the financial ability of the nonprofit community group's ability to locate and operate in that building by paying the nonprofit's rent and maintenance costs for the building for at least seven years and by making a one-time cash contribution of \$120,000 to an AIDS-related community group;

(4) That portion of the building occupied by the community use shall be at least twice the floor area occupied by the large fast food restaurant; and

		(5) No conditional use granted pursuant to this Section may exceed a period of 15 years unless a new conditional use application is filed and granted by the City Planning Commission or Board of Supervisors on appeal.
§ 715.48		Boundaries: Applicable for the Castro Street NCD. Controls: Existing bars in the Castro Street Neighborhood Commercial District will be allowed to apply for and receive a place of entertainment permit from the Entertainment Commission without obtaining conditional use authorization from the Planning Commission if they can demonstrate to the satisfaction of the Entertainment Commission that they have been in regular operation as an entertainment use prior to January 1, 2004; provided, however, that a conditional use is required (1) if an application for a conditional use for the entertainment use was filed with the Planning Department prior to the date this ordinance was introduced or (2) if a conditional use was denied within 12 months prior to the effective date of this ordinance.

Section 28. The San Francisco Planning Code is hereby amended by amending Section 716.1, to read as follows:

1 **SEC. 716.1. INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL**
2 **DISTRICT.**

3 The Inner Clement Street Commercial District is located on Clement Street between
4 Arguello Boulevard and Funston Avenue in the eastern portion of the Richmond District of
5 northwest San Francisco. The district provides a wide selection of convenience goods and
6 services for the residents of the Inner Richmond neighborhood. Inner Clement Street has one
7 of the greatest concentrations of restaurants of any commercial street in San Francisco,
8 drawing customers from throughout the City and region. There are also a significant number
9 of professional, realty, and business offices as well as financial institutions. The pleasant
10 pedestrian character of the district is derived directly from the intensely active retail frontage
11 on Clement Street.

12 The Inner Clement Street District controls are designed to promote development that is
13 consistent with its existing land use patterns and to maintain a harmony of uses that supports
14 the district's vitality. The building standards allow small-scale buildings and uses, protecting
15 rear yards above the ground story and at residential levels. In new development, most
16 commercial uses are permitted at the first two stories, although certain limitations apply to
17 uses at the second story. Special controls are necessary to preserve the equilibrium of
18 neighborhood-serving convenience and comparison shopping businesses and protect
19 adjacent residential livability. These controls prohibit additional financial service and limit
20 additional eating and drinking establishments, late-night commercial uses and ground-story
21 entertainment uses. In order to maintain the street's active retail frontage, controls also
22 prohibit most new automobile and drive-up uses.

Housing development is encouraged in new buildings above the ground story. Existing residential units are protected by prohibitions on upper-story conversions and limitations on demolitions.

SEC. 716. INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE

TABLE INSET:

			Inner Clement Street
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
716.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250--252, 260, 270, 271	40-X
716.11	Lot Size <i>[Per Development]</i>	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft. & above § 121.1
716.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a) (e)
716.13	Street Frontage		Required § 145.1

1	716.14	Awning	§ 790.20	P § 136.1(a)
2				
3	716.15	Canopy	§ 790.26	P § 136.1(b)
4				
5	716.16	Marquee	§ 790.58	P § 136.1(c)
6				
7	716.17	Street Trees		Required § 143
8				
9				
10	COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
11	716.20	Floor Area Ratio	§§ 102.9, 102.11, 123	1.8 to 1 § 124(a) (b)
12				
13	716.21	Use Size <i>[Non-Residential]</i>	§ 790.130	P up to 2,499 sq. ft.; C 2,500 sq. ft. & above §121.2
14				
15	716.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153--157, 159--160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
16				
17	716.23	Off-Street Freight Loading	§§ 150, 153--155, 204.5	Generally, none required if gross floor
18				
19				
20				
21				
22				
23				
24				
25				

			area is less than 10,000 sq. ft. §§ 152, 161(b)
716.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
716.25	Drive-Up Facility	§ 790.30	
716.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
716.27	Hours of Operation	§ 790.48	P 6 a.m.--2 a.m.; C 2 a.m.--6 a.m.
716.30	General Advertising Sign	§§ 262, 602--604, 608, 609	
716.31	Business Sign	§§ 262, 602--604, 608, 609	P § 607.1(f)2
716.32	Other Signs	§§ 262, 602--604, 608, 609	P § 607.1(c) (d) (g)

TABLE INSET:

No.	Zoning Category	§ References	Inner Clement Street
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			Controls by Story		
		§ 790.118	1st	2nd	3rd+
716.38	Residential Conversion	§ 790.84	P		
716.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
716.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P	C	
716.41	Bar	§ 790.22	C		
716.42	Full-Service Restaurant	§ 790.92	C		
716.43	Large Fast Food Restaurant	§ 790.90			
716.44	Small Self-Service Restaurant	§ 790.91			
716.45	Liquor Store	§ 790.55	C		

716.46	Movie Theater	§ 790.64	P		
716.47	Adult Entertainment	§ 790.36			
716.48	Other Entertainment	§ 790.38	C		
716.49	Financial Service	§ 790.110			
716.50	Limited Financial Service	§ 790.112	C		
716.51	Medical Service	§ 790.114	P	C	
716.52	Personal Service	§ 790.116	P	C	
716.53	Business or Professional Service	§ 790.108	P	C	
716.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
716.55	Tourist Hotel	§ 790.46	C	C	

716.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
716.57	Automotive Gas Station	§ 790.14			
716.58	Automotive Service Station	§ 790.17			
716.59	Automotive Repair	§ 790.15			
716.60	Automotive Wash	§ 790.18			
716.61	Automobile Sale or Rental	§ 790.12			
716.62	Animal Hospital	§ 790.6	C		
716.63	Ambulance Service	§ 790.2			
716.64	Mortuary	§ 790.62			
716.65	Trade Shop	§ 790.124	P	C	
716.66	Storage	§ 790.117			

716.67	Video Store	\$ 790.135	C	C	
716.68	Fringe Financial Service	\$ 790.111			
<u>716.69</u>	<u>Self-Service Specialty Food</u>	<u>\$ 790.93</u>			

Institutions and Non-Retail Sales and Services

716.70	Administrative Service	\$ 790.106			
716.80	Hospital or Medical Center	\$ 790.44			
716.81	Other Institutions, Large	\$ 790.50	P	C	C
716.82	Other Institutions, Small	\$ 790.51	P	P	P
716.83	Public Use	\$ 790.80	C	C	C

716.84	Medical Cannabis Dispensary	§ 790.141	P		
RESIDENTIAL STANDARDS AND USES					
716.90	Residential Use	§ 790.88	P	P	P
716.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 600 sq. ft. lot area § 207.4		
716.92	Residential Density, Group Housing	§§ 207.1, 790.88 (b)	Generally, 1 bedroom per 210 sq. ft. lot area § 208		
716.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	Generally, either 80 sq. ft if private, or 100 sq. ft. if common § 135 (d)		
716.94	Off-Street Parking, Residential	§§ 150, 153--157, 159--160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
716.95	Community Residential Parking	§ 790.10	C	C	C

**SPECIFIC PROVISIONS FOR THE INNER CLEMENT STREET
NEIGHBORHOOD COMMERCIAL DISTRICT**

TABLE INSET:

Supervisor Peskin
BOARD OF SUPERVISORS

Article 7 Code Section	Other Code Section	Zoning Controls
§ 716.41	§ 790.22	INNER CLEMENT STREET LIQUOR LICENSES FOR FULL-SERVICE RESTAURANTS Boundaries: Applicable to the Inner Clement Street Neighborhood Commercial District Controls: (a) In order to allow certain restaurants to seek an ABC license type 47 so that liquor may be served for drinking on the premises, a bar use, as defined in § 790.22, may be permitted as a conditional use on the ground level if, in addition to the criteria set forth in Section 303, the Planning Commission finds that: (1) The bar function is operated as an integral element of an establishment which is classified both as: (A) a full-service restaurant as defined in §790.92 and (B) a bona-fide restaurant as defined in §781.8(c); and (2) The establishment maintains only an ABC license type 47. Other ABC license types, except those that are included within the definition of a full-service restaurant pursuant to §790.22, are not permitted for those uses subject to this Section. (b) Subsequent to the granting of a conditional use

		authorization under this Section, the Commission may consider immediate revocation of the previous conditional use authorization should an establishment no longer comply with any of the above criteria for any length of time.
§ 716.41	§ 790.22	INNER CLEMENT STREET LIQUOR LICENSES FOR BARS Boundaries: Applicable to the Inner Clement Street Neighborhood Commercial District Controls: (a) In order to allow wine and/or beer bars to seek an ABC license type 42 so that wine and beer (but not hard spirits) may be served for drinking on the premises, a bar use, as defined in §790.22, may be permitted as a conditional use on the ground level if, in addition to the criteria set forth in Section 303, the Planning Commission finds that: (1) The bar function is operated as a wine and beer bar with an ABC license type 42, which may include incidental food services; and (2) The establishment maintains only an ABC license type 42 and/or an ABC license type 20 permitting off-premises sales of wine and beer. Other ABC license types, except those that are included within the definition of a full-service restaurant pursuant to §790.22, are not permitted for those uses subject to this Section. (b) Subsequent to the granting of a conditional use authorization under this Section, the Commission may

		consider immediate revocation of the previous conditional use authorization should an establishment no longer comply with any of the above criteria for any length of time.
§716.41 and 716.42	§790.92 and 790.22	INNER CLEMENT STREET FULL-SERVICE RESTAURANTS AND BARS Boundaries: Applicable to the Inner Clement Street Neighborhood Commercial District Controls: A full-service restaurant or a bar may be permitted as a conditional use on the ground level if, in addition to the criteria set forth in Section 303, the Planning Commission has approved no more than a total of three (3) full-service restaurants or bars in accordance with this Section. Should a full-service restaurant or bar permitted under this Section cease operation and complete a lawful change of use to another principally or conditionally permitted use, the Commission may consider a new full-service restaurant or bar in accordance with the terms of this Section.

Section 29. The San Francisco Planning Code is hereby amended by amending Section 717.1, to read as follows:

SEC. 717.1. OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

The Outer Clement Street Neighborhood Commercial District is located on Clement Street between 19th Avenue and 27th Avenue in the western portion of the Richmond District.

The shopping area contains small-scale convenience businesses, as well as many restaurants and a movie theater. The district's restaurants serve a neighborhood and Citywide clientele during the evening hours, while convenience shopping uses cater for the most part to daytime neighborhood shoppers. Outer Clement Street contains many mixed-use buildings with some fully commercial and fully residential buildings interspersed between them.

The Outer Clement Street District controls are designed to promote development that is in keeping with the district's existing small-scale, mixed-use character. The building standards monitor large-scale development and protect rear yards at all levels. Future commercial growth is directed to the ground story in order to promote more continuous and active retail frontage. Additional eating and drinking establishments are prohibited, while ground-story entertainment and financial service uses are monitored in order to limit the problems of traffic, congestion, noise and late-night activity associated with such uses and to protect existing neighborhood-serving businesses. Other controls restricting late-night activity, hotels, automobile uses, and drive-up facilities are designed to preserve the low-intensity character of the district.

Housing development in new buildings is encouraged above the ground story. Existing residential units are protected by prohibitions of upper-story conversions and limitations on demolitions.

SEC. 717. OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

TABLE INSET:

	Outer Clement Street
--	----------------------

No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
717.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250–252, 260, 270, 271	40-X
717.11	Lot Size <i>[Per Development]</i>	§§ 790.56, 121.1	P up to 4,999 sq. ft. C 5,000 sq. ft. & above § 121.1
717.12	Rear Yard	§§ 130, 134, 136	Required at grade level and above § 134(a) (e)
717.13	Street Frontage		Required § 145.1
717.14	Awning	§ 790.20	P § 136.1(a)
717.15	Canopy	§ 790.26	P § 136.1(b)
717.16	Marquee	§ 790.58	P § 136.1(c)
717.17	Street Trees		Required § 143

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

717.20	Floor Area Ratio	§§ 102.9, 102.11, 123	1.8 to 1 § 124(a) (b)
717.21	Use Size <i>[Non-Residential]</i>	§ 790.130	P up to 2,499 sq. ft.; C 2,500 sq. ft. & above § 121.2
717.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153--157, 159--160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
717.23	Off-Street Freight Loading	§§ 150, 153-155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
717.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
717.25	Drive-Up Facility	§ 790.30	
717.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed §

			145.2(b)
717.27	Hours of Operation	§ 790.48	P 6 a.m.–11 p.m.; C 11 p.m.–2 a.m.
717.30	General Advertising Sign	§§ 262, 602–604, 608, 609	
717.31	Business Sign	§§ 262, 602–604, 608, 609	P § 607.1(f) 2
717.32	Other Signs	§§ 262, 602–604, 608, 609	P § 607.1(c) (d) (g)

TABLE INSET:

No.	Zoning Category	§ References	Outer Clement Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
717.38	Residential Conversion	§ 790.84	P		
717.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
717.40	Other Retail Sales and Services <i>[Not Listed]</i>	§ 790.102	P		

	<i>Below]</i>				
717.41	Bar	\$ 790.22			
717.42	Full-Service Restaurant	\$ 790.92			
717.43	Large Fast Food Restaurant	\$ 790.90			
717.44	Small Self-Service Restaurant	\$ 790.91			
717.45	Liquor Store	\$ 790.55	C		
717.46	Movie Theater	\$ 790.64	P		
717.47	Adult Entertainment	\$ 790.36			
717.48	Other Entertainment	\$ 790.38	C		
717.49	Financial Service	\$ 790.110	C		
717.50	Limited Financial Service	\$ 790.112	C		

717.51	Medical Service	§ 790.114	P		
717.52	Personal Service	§ 790.116	P		
717.53	Business or Professional Service	§ 790.108	P		
717.54	Massage Establishment	§ 790.60, § 1900 Health Code			
717.55	Tourist Hotel	§ 790.46			
717.56	Automobile Parking	§§ 790.8, 156, 160	C	C	
717.57	Automotive Gas Station	§ 790.14			
717.58	Automotive Service Station	§ 790.17			
717.59	Automotive Repair	§ 790.15			
717.60	Automotive Wash	§ 790.18			

1	717.61	Automobile Sale or	§ 790.12			
2		Rental				
3	717.62	Animal Hospital	§ 790.6	C		
4						
5	717.63	Ambulance Service	§ 790.2			
6						
7	717.64	Mortuary	§ 790.62			
8						
9	717.65	Trade Shop	§ 790.124	P		
10						
11	717.66	Storage	§ 790.117			
12						
13	717.67	Video Store	§ 790.135	C	C	
14						
15	717.68	Fringe Financial	§ 790.111			
16		Service				
17	<u>717.69</u>	<u>Self-Service Specialty</u>	<u>§ 790.93</u>			
18		<u>Food</u>				
19						
20						
21						
22						
23						
24						
25						

Institutions and Non-Retail Sales and Services

717.70	Administrative Service	§ 790.106			
717.80	Hospital or Medical Center	§ 790.44			
717.81	Other Institutions, Large	§ 790.50	P	C	C
717.82	Other Institutions, Small	§ 790.51	P	P	P
717.83	Public Use	§ 790.80	C	C	C
717.84	Medical Cannabis Dispensary	§ 790.141	P		

RESIDENTIAL STANDARDS AND USES

717.90	Residential Use	§ 790.88	P	P	P
717.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 600 sq. ft. lot area § 207.4		
717.92	Residential Density, Group Housing	§§ 207.1, 790.88 (b)	Generally, 1 bedroom per 210 sq. ft. lot area § 208		

717.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 80 sq. ft. if private, or 100 sq. ft. if common § 135(d)		
717.94	Off-Street Parking, Residential	§§ 150, 153--157, 159--160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a)(g)		
717.95	Community Residential Parking	§ 790.10	C	C	C

Section 30. The San Francisco Planning Code is hereby amended by amending Section 718.1, to read as follows:

SEC. 718.1. UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

The Upper Fillmore Street Neighborhood Commercial District is situated in the south-central portion of Pacific Heights. It runs north-south along Fillmore Street from Jackson to Bush and extends west one block along California and Pine Streets. This medium-scaled, multi-purpose commercial district provides convenience goods to its immediate neighborhood as well as comparison shopping goods and services on a specialized basis to a wider trade area. Commercial businesses are active during both day and evening and include a number of bars, restaurants, specialty groceries, and specialty clothing stores.

The Upper Fillmore District controls are designed to protect the existing building scale and promote new mixed-use development which is in character with adjacent buildings. Building standards regulate large lot and use development and protect rear yards above the

ground story and at residential levels. Most commercial uses are permitted at the first two stories of new buildings. Special controls are designed to preserve the existing equilibrium of neighborhood-serving convenience and specialty commercial uses. In order to maintain convenience stores and protect adjacent livability, additional eating and drinking establishments are prohibited and ground-story entertainment and financial service uses are limited. In order to promote continuous retail frontage, drive-up and most automobile uses are prohibited.

Housing development in new buildings is encouraged above the second story. Existing residential units are protected by limitations on demolitions and upper-story conversions.

SEC. 718. UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE

TABLE INSET:

			Upper Fillmore Street
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
718.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250–252, 260, 270, 271	40-X
718.11	Lot Size <i>[Per Development]</i>	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft. & above §

			121.1
718.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a) (e)
718.13	Street Frontage		Required § 145.1
718.14	Awning	§ 790.20	P § 136.1(a)
718.15	Canopy	§ 790.26	P § 136.1(b)
718.16	Marquee	§ 790.58	P § 136.1(c)
718.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
718.20	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1 § 124(a) (b)
718.21	Use Size <i>[Non-Residential]</i>	§ 790.130	P up to 2,499 sq. ft.; C 2,500 sq. ft. & above § 121.2

718.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153--157, 159--160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
718.23	Off-Street Freight Loading	§§ 150, 153--155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
718.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
718.25	Drive-Up Facility	§ 790.30	
718.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
718.27	Hours of Operation	§ 790.48	P 6 a.m.--2 a.m.; C 2 a.m.--6 a.m.
718.30	General Advertising Sign	§§ 262, 602--604, 608, 609	
718.31	Business Sign	§§ 262, 602--604,	P § 607.1(f) 2

		608, 609	
718.32	Other Signs	§§ 262, 602--604, 608, 609	P § 607.1(c) (d) (g)

TABLE INSET:

No.	Zoning Category	§ References	Upper Fillmore Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
718.38	Residential Conversion	§ 790.84	P	C	
718.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
718.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P	P	
718.41	Bar	§ 790.22			
718.42	Full-Service Restaurant	§ 790.92			

1	718.43	Large Fast Food	§ 790.90			
2		Restaurant				
3	718.44	Small Self-Service	§ 790.91			
4		Restaurant				
5	718.45	Liquor Store	§ 790.55	C		
6						
7	718.46	Movie Theater	§ 790.64	P		
8						
9	718.47	Adult Entertainment	§ 790.36			
10						
11	718.48	Other Entertainment	§ 790.38	C		
12						
13	718.49	Financial Service	§ 790.110	C		
14						
15	718.50	Limited Financial	§ 790.112	C		
16		Service				
17	718.51	Medical Service	§ 790.114	P	P	
18						
19	718.52	Personal Service	§ 790.116	P	P	
20						
21	718.53	Business or	§ 790.108	P	P	
22						
23						
24						
25						

	Professional Service				
718.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
718.55	Tourist Hotel	§ 790.46	C	C	C
718.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
718.57	Automotive Gas Station	§ 790.14			
718.58	Automotive Service Station	§ 790.17			
718.59	Automotive Repair	§ 790.15			
718.60	Automotive Wash	§ 790.18			
718.61	Automobile Sale or Rental	§ 790.12			
718.62	Animal Hospital	§ 790.6	C		
718.63	Ambulance Service	§ 790.2			

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718.64	Mortuary	§ 790.62			
718.65	Trade Shop	§ 790.124	P		
718.66	Storage	§ 790.117			
718.67	Video Store	§ 790.135	C	C	
718.68	Fringe Financial Service	§ 790.111			
<u>718.69</u>	<u>Self-Service Specialty</u> <u>Food</u>	<u>§ 790.93</u>			
Institutions and Non-Retail Sales and Services					
718.70	Administrative Service	§ 790.106			
718.80	Hospital or Medical Center	§ 790.44			

718.81	Other Institutions, Large	§ 790.50	P	C	C
718.82	Other Institutions, Small	§ 790.51	P	P	P
718.83	Public Use	§ 790.80	C	C	C
718.84	Medical Cannabis Dispensary	§ 790.141	P		

RESIDENTIAL STANDARDS AND USES

718.90	Residential Use	§ 790.88	P	P	P
718.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 600 sq. ft. lot area § 207.4		
718.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 210 sq. ft. lot area § 208		
718.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	Generally, either 80 sq. ft. if private, or 100 sq. ft. if common § 135(d)		
718.94	Off-Street Parking, Residential	§§ 150, 153-- 157, 159--160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		

718.95	Community Residential Parking	§ 790.10	C	C	C
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Section 31. The San Francisco Planning Code is hereby amended by amending Section 719.1, to read as follows:

SEC. 719.1. HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

Northwest of the City's geographical center, the Haight Street Neighborhood Commercial District is located in the Haight-Ashbury neighborhood, extending along Haight Street between Stanyan and Central Avenue, including a portion of Stanyan Street between Haight and Beulah. The shopping area provides convenience goods and services to local Haight-Ashbury residents, as well as comparison shopping goods and services to a larger market area. The commercial district is also frequented by users of Golden Gate Park on weekends and by City residents for its eating, drinking, and entertainment places. Numerous housing units establish the district's mixed residential-commercial character.

The Haight Street District controls are designed to protect the existing building scale and promote new mixed-use development which is in character with adjacent buildings. The building standards regulate large-lot and use development and protect rear yards above the ground story and at residential levels. To promote the prevailing mixed-use character, most commercial uses are directed primarily to the ground story with some upper-story restrictions in new buildings. In order to maintain the balanced mix and variety of neighborhood-serving commercial uses and regulate the more intensive commercial uses which can generate congestion and nuisance problems, special controls prohibit additional eating and drinking uses, restrict expansion and intensification of existing eating and drinking establishments, and

limit entertainment and tourist hotels. Prohibitions of most automobile and drive-up uses protect the district's continuous retail frontage.

Housing development in new buildings is encouraged above the ground story. Existing residential units are protected by prohibition of upper-story conversions and limitations on demolitions.

SEC. 719. HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

TABLE INSET:

			Haight Street
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
719.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250--252, 260, 270, 271	40-X
719.11	Lot Size <i>[Per Development]</i>	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft. & above § 121.1
719.12	Rear Yard	§§ 130, 134, 136	Required at grade level and above § 134(a)

			(e)
719.13	Street Frontage		Required § 145.1
719.14	Awning	§ 790.20	P § 136.1(a)
719.15	Canopy	§ 790.26	P § 136.1(b)
719.16	Marquee	§ 790.58	P § 136.1(c)
719.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
719.20	Floor Area Ratio	§§ 102.9, 102.11, 123	1.8 to 1 § 124(a) (b)
719.21	Use Size <i>[Non-Residential]</i>	§ 790.130	P up to 2,499 sq. ft.; C 2,500 sq. ft. & above § 121.2
719.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153--157, 159--160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151,

			161(g)
719.23	Off-Street Freight Loading	§§ 150, 153--155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
719.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
719.25	Drive-Up Facility	§ 790.30	
719.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
719.27	Hours of Operation	§ 790.48	P 6 a.m.--2 a.m.; C 2 a.m.--6 a.m.
719.30	General Advertising Sign	§§ 262, 602--604, 608, 609	
719.31	Business Sign	§§ 262, 602--604, 608, 609	P § 607.1(f)2
719.32	Other Signs	§§ 262, 602--604, 608, 609	P § 607.1(c) (d) (g)

TABLE INSET:

No.	Zoning Category	§ References	Haight Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
719.38	Residential Conversion	§ 790.84	P		
719.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
719.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P#	C#	#
719.41	Bar	§ 790.22	#	#	#
719.42	Full-Service Restaurant	§ 790.92	#	#	#
719.43	Large Fast Food Restaurant	§ 790.90	#	#	#
719.44	Small Self-Service Restaurant	§ 790.91	#	#	#

719.45	Liquor Store	§ 790.55			
719.46	Movie Theater	§ 790.64	P		
719.47	Adult Entertainment	§ 790.36			
719.48	Other Entertainment	§ 790.38	C		
719.49	Financial Service	§ 790.110	P		
719.50	Limited Financial Service	§ 790.112	P		
719.51	Medical Service	§ 790.114		C	
719.52	Personal Service	§ 790.116	P	C	
719.53	Business or Professional Service	§ 790.108	P	C	
719.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		

1	719.55	Tourist Hotel	§ 790.46	C	C	
2						
3	719.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
4						
5	719.57	Automotive Gas Station	§ 790.14			
6						
7	719.58	Automotive Service Station	§ 790.17			
8						
9	719.59	Automotive Repair	§ 790.15	C		
10						
11	719.60	Automotive Wash	§ 790.18			
12						
13	719.61	Automobile Sale or Rental	§ 790.12			
14						
15	719.62	Animal Hospital	§ 790.6	C		
16						
17	719.63	Ambulance Service	§ 790.2			
18						
19	719.64	Mortuary	§ 790.62			
20						
21	719.65	Trade Shop	§ 790.124	P		
22						
23						
24						
25						

719.66	Storage	§ 790.117			
719.67	Video Store	§ 790.135	C	C	
719.68	Fringe Financial Service	§ 790.111	#	#	#
<u>719.69</u>	<u>Self-Service Specialty</u> <u>Food</u>	<u>§ 790.93</u>	<u>#</u>	<u>#</u>	<u>#</u>
Institutions and Non-Retail Sales and Services					
719.70	Administrative Service	§ 790.106			
719.80	Hospital or Medical Center	§ 790.44			
719.81	Other Institutions, Large	§ 790.50	P	C	C
719.82	Other Institutions, Small	§ 790.51	P	P	P

719.83	Public Use	§ 790.80	C	C	C
719.84	Medical Cannabis Dispensary	§ 790.141	P		
RESIDENTIAL STANDARDS AND USES					
719.90	Residential Use	§ 790.88	P	P	P
719.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 600 sq. ft. lot area -- § 207.4		
719.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 210 sq. ft. lot area -- § 208		
719.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	Generally, either 80 sq. ft. if private, or 100 sq. ft. if common § 135(d)		
719.94	Off-Street Parking, Residential	§§ 150, 153--157, 159--160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
719.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR THE HAIGHT STREET DISTRICT

TABLE INSET:

Article 7 Code Section	Other Code Section	Zoning Controls
§ 719.40 § 719.41 § 719.42 § 719.43 § 719.44 <u>§ 719.69</u>	§ 781.9	Boundaries: The entire Haight Street Neighborhood Commercial District. Controls: Retail establishments selling off-sale or on-sale alcoholic beverages are not permitted pursuant to Section 781.9.
§ 719.68	§ 249.35	FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD) Boundaries: The FFSRUD includes, but is not limited to, the Haight Street Neighborhood Commercial District. Controls: Fringe financial services are NP pursuant to Section 249.35.

Section 32. The San Francisco Planning Code is hereby amended by amending Section 720.1, to read as follows:

SEC. 720.1. HAYES-GOUGH NEIGHBORHOOD COMMERCIAL DISTRICT.

The Hayes-Gough Neighborhood Commercial District is located within walking distance of the Civic Center, lying west of Franklin Street and east of Laguna Street, with its southern tip resting at Lily Street. This mixed-use commercial district contains a limited range of retail

commercial activity, which primarily caters to the immediate needs of the neighborhood. The few comparison goods that it does provide attract clientele from a wider area outside its neighborhood, mostly the Performing Arts and Civic Center workers and visitors. There are a number of restaurants and art galleries, but other types of retail activity are limited. The Hayes-Gough District controls are designed to allow for growth and expansion that is compatible with the existing building and use scales. Building standards protect the moderate building and use size and require rear yards at residential levels. To maintain the mixed-use character of the district, most commercial uses are permitted at the first and second stories and housing is strongly encouraged at the third story and above. In order to encourage lively pedestrian-oriented commercial activity, but restrict certain sensitive and problematic uses, eating and drinking, and entertainment uses are directed to the ground story. Retail sales activity, especially neighborhood-serving businesses, is further promoted by restricting new ground-story medical, business and professional offices. To protect continuous frontage, drive-up and most automobile uses are prohibited. Housing development in new buildings is encouraged above the second story. Existing residential units are protected by limitations on demolitions and upper-story conversions.

SEC. 720. HAYES-GOUGH NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE

TABLE INSET:

			Hayes-Gough
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			

720.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250--252, 260, 270, 271	50-X, 65-A See Zoning Map
720.11	Lot Size <i>[Per Development]</i>	§§ 790.56, 121.1	P up to 9,999 sq. ft.; C 10,000 sq. ft. & above § 121.1
720.12	Rear Yard	§§ 130, 134, 136	Required at residential levels only § 134(a) (e)
720.13	Street Frontage		Required § 145.1
720.14	Awning	§ 790.20	P § 136.1(a)
720.15	Canopy	§ 790.26	P § 136.1(b)
720.16	Marquee	§ 790.58	P § 136.1(c)
720.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
720.20	Floor Area Ratio	§§ 102.9, 102.11,	3.0 to 1 § 124(a) (b)

		123	
720.21	Use Size <i>[Non-Residential]</i>	§ 790.130	P up to 2,999 sq. ft.; C 3,000 sq. ft. & above § 121.2
720.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153--157, 159--160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
720.23	Off-Street Freight Loading	§§ 150, 153--155, 204.5	Generally, none required if gross floor is less than 10,000 sq. ft. §§ 152, 161(b)
720.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
720.25	Drive-Up Facility	§ 790.30	
720.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
720.27	Hours of Operation	§ 790.48	P 6 a.m.--2 a.m. C 2

			a.m.--6 a.m.
720.30	General Advertising Sign	§§ 262, 602--604, 608, 609	
720.31	Business Sign	§§ 262, 602--604, 608, 609	P § 607.1(f)2
720.32	Other Signs	§§ 262, 602--604, 608, 609	P # § 607.1(c) (d) (g)

TABLE INSET:

No.	Zoning Category	§ References	Hayes-Gough		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
720.38	Residential Conversion	§ 790.84	P	C	
720.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
720.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P	P	

720.41	Bar	\$ 790.22	P		
720.42	Full-Service Restaurant	\$ 790.92	P		
720.43	Large Fast Food Restaurant	\$ 790.90	C		
720.44	Small Self-Service Restaurant	\$ 790.91	P		
720.45	Liquor Store	\$ 790.55	C		
720.46	Movie Theater	\$ 790.64	P		
720.47	Adult Entertainment	\$ 790.36			
720.48	Other Entertainment	\$ 790.38	C		
720.49	Financial Service	\$ 790.110	P	C	
720.50	Limited Financial Service	\$ 790.112	P		
720.51	Medical Service	\$ 790.114	C	P	C

720.52	Personal Service	§ 790.116	P	P	C
720.53	Business or Professional Service	§ 790.108	C	P	C
720.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
720.55	Tourist Hotel	§ 790.46	C	C	C
720.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
720.57	Automotive Gas Station	§ 790.14			
720.58	Automotive Service Station	§ 790.17			
720.59	Automotive Repair	§ 790.15			
720.60	Automotive Wash	§ 790.18			
720.61	Automobile Sale or	§ 790.12			

	Rental				
720.62	Animal Hospital	\$ 790.6	C		
720.63	Ambulance Service	\$ 790.2			
720.64	Mortuary	\$ 790.62			
720.65	Trade Shop	\$ 790.124	P	C	
720.66	Storage	\$ 790.117			
720.67	Video Store	\$ 790.135	C	C	
720.68	Fringe Financial Service	\$ 790.111	P#		
<u>720.69</u>	<u>Self-Service Specialty</u> <u>Food</u>	<u>\$ 790.93</u>	<u>P</u>		
Institutions and Non-Retail Sales and Services					

720.70	Administrative Service	§ 790.106			
720.80	Hospital or Medical Center	§ 790.44			
720.81	Other Institutions, Large	§ 790.50	P	C	C
720.82	Other Institutions, Small	§ 790.51	P	P	P
720.83	Public Use	§ 790.80	C	C	C
720.84	Medical Cannabis Dispensary	§ 790.141	P		
RESIDENTIAL STANDARDS AND USES					
720.90	Residential Use	§ 790.88	P	P	P
720.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 400 sq. ft. lot area § 207.4		
720.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 140 sq. ft. lot area § 208		
720.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	Generally, either 60 sq. ft. if private, or 80 sq. ft. if		

			common § 135(d)		
720.94	Off-Street Parking, Residential	§§ 150, 153-- 157, 159--160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
720.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR THE HAYES-GOUGH DISTRICT

TABLE INSET:

Article 7 Code Section	Other Code Section	Zoning Controls
720.68	§ 249.35	Fringe financial services are P subject to the restrictions set forth in Section 249.35, including, but not limited to, the proximity restrictions set forth in Subsection 249.35(c)(3).

Section 33. The San Francisco Planning Code is hereby amended by amending
Section 721.1, to read as follows:

**SEC. 721.1. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL
DISTRICT.**

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1 The Upper Market Street Neighborhood Commercial District, on Market Street from
2 Church to Castro, and on side streets off Market, is situated at the border of the Eureka
3 Valley, Buena Vista, and Duboce Triangle neighborhoods. Upper Market Street is a multi-
4 purpose commercial district that provides limited convenience goods to adjacent
5 neighborhoods, but also serves as a shopping street for a broader trade area. A large number
6 of offices are located on Market Street within easy transit access to downtown. The width of
7 Market Street and its use as a major arterial diminish the perception of the Upper Market
8 Street District as a single commercial district. The street appears as a collection of dispersed
9 centers of commercial activity, concentrated at the intersections of Market Street with
10 secondary streets.

11 The Upper Market Street district controls are designed to promote moderate-scale
12 development which contributes to the definition of Market Street's design and character. They
13 are also intended to preserve the existing mix of commercial uses and maintain the livability of
14 the district and its surrounding residential areas. Large-lot and use development is reviewed
15 for consistency with existing development patterns. Rear yards are protected at residential
16 levels. To promote mixed-use buildings, most commercial uses are permitted with some
17 limitations above the second story. In order to maintain continuous retail frontage and
18 preserve a balanced mix of commercial uses, ground-story neighborhood-serving uses are
19 encouraged, and eating and drinking, entertainment, and financial service uses are limited.
20 Continuous frontage is promoted by prohibitions of most automobile and drive-up uses.

21 Housing development in new buildings is encouraged above the second story. Existing
22 upper-story residential units are protected by limitations on demolitions and upper-story
23 conversions.
24
25

SEC. 721. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE

TABLE INSET:

			Upper Market Street
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
721.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250--252, 260, 270, 271	40-X, 50-X, 65-B, 80-B See Zoning Map
721.11	Lot Size <i>[Per Development]</i>	§§ 790.56, 121.1	P up to 9,999 sq. ft. C 10,000 sq. ft. & above § 121.1
721.12	Rear Yard	§§ 130, 134, 136	Required at residential levels only § 134(a) (e)
721.13	Street Frontage		Required § 145.1
721.14	Awning	§ 790.20	P § 136.1(a)
721.15	Canopy	§ 790.26	P § 136.1(b)

721.16	Marquee	§ 790.58	P § 136.1(c)
721.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
721.20	Floor Area Ratio	§§ 102.9, 102.11, 123	3.0 to 1 § 124(a) (b)
721.21	Use Size <i>[Non-Residential]</i>	§ 790.130	P up to 2,999 sq. ft.; C 3,000 sq. ft. & above § 121.2
721.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153--157, 159--160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
721.23	Off-Street Freight Loading	§§ 150, 153--155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
721.24	Outdoor Activity Area	§ 790.70	P if located in front; C if

			located elsewhere § 145.2(a)
721.25	Drive-Up Facility	§ 790.30	
721.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
721.27	Hours of Operation	§ 790.48	P 6 a.m.--2 a.m. C 2 a.m.--6 a.m.
721.30	General Advertising Sign	§§ 262, 602--604, 608, 609	
721.31	Business Sign	§§ 262, 602--604, 608, 609	P # § 607.1(f)2
721.32	Other Signs	§§ 262, 602--604, 608, 609	P # § 607.1(c) (d) (g)

TABLE INSET:

No.	Zoning Category	§ References	Upper Market Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
721.38	Residential	§ 790.84	P	C	

	Conversion				
721.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
721.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P	P	
721.41	Bar	§ 790.22	C		
721.42	Full-Service Restaurant	§ 790.92	C		
721.43	Large Fast Food Restaurant	§ 790.90			
721.44	Small Self-Service Restaurant	§ 790.91	C		
721.45	Liquor Store	§ 790.55	C		
721.46	Movie Theater	§ 790.64	P		
721.47	Adult Entertainment	§ 790.36			

1	721.48	Other Entertainment	§ 790.38	C#		
2						
3	721.49	Financial Service	§ 790.110	C	C	
4						
5	721.50	Limited Financial Service	§ 790.112	P		
6						
7	721.51	Medical Service	§ 790.114	P	P	C
8						
9	721.52	Personal Service	§ 790.116	P	P	C
10						
11	721.53	Business or Professional Service	§ 790.108	P	P	C
12						
13	721.54	Massage Establishment	§ 790.60, § 1900 Health Code	C	C	
14						
15	721.55	Tourist Hotel	§ 790.46	C	C	C
16						
17	721.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
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19	721.57	Automotive Gas Station	§ 790.14			
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721.58	Automotive Service Station	§ 790.17			
721.59	Automotive Repair	§ 790.15	C		
721.60	Automotive Wash	§ 790.18			
721.61	Automobile Sale or Rental	§ 790.12			
721.62	Animal Hospital	§ 790.6	C		
721.63	Ambulance Service	§ 790.2			
721.64	Mortuary	§ 790.62			
721.65	Trade Shop	§ 790.124	P	C	
721.66	Storage	§ 790.117			
721.67	Video Store	§ 790.135	C	C	
721.68	Fringe Financial	§ 790.111			

	Service				
<u>721.69</u>		<u>§ 790.93</u>			
	<u>Self-Service Specialty</u>		<u>C</u>		
	<u>Food</u>				
Institutions and Non-Retail Sales and Services					
721.70	Administrative Service	§ 790.106			
721.80	Hospital or Medical Center	§ 790.44			
721.81	Other Institutions, Large	§ 790.50	P	C	C
721.82	Other Institutions, Small	§ 790.51	P	P	P
721.83	Public Use	§ 790.80	C	C	C
721.84	Medical Cannabis Dispensary	§ 790.141	P		
RESIDENTIAL STANDARDS AND USES					
721.90	Residential Use	§ 790.88	P	P	P

721.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 400 sq. ft. lot area § 207.4		
721.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 140 sq. ft. lot area § 208		
721.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	Generally, either 60 sq. ft. if private, or 80 sq. ft. if common 135(d)		
721.94	Off-Street Parking, Residential	§§ 150, 153-- 157, 159--160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
721.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR UPPER MARKET STREET

NEIGHBORHOOD COMMERCIAL DISTRICT

TABLE INSET:

Article 7 Code Section	Other Code Section	Zoning Controls
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1 § 721.31 2 § 721.32	§ 608.10	UPPER MARKET STREET SPECIAL SIGN DISTRICT Boundaries: Applicable only for the portions of the Upper Market Street NCD as mapped on Sectional Map SSD Controls: Special restrictions and limitations for signs
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	§ 721.48	Boundaries: Applicable for the Upper Market Street NCD. Controls: Existing bars in the Upper Market Street Neighborhood Commercial District will be allowed to apply for and receive a place of entertainment permit from the Entertainment Commission without obtaining conditional use authorization from the Planning Commission if they can demonstrate to the satisfaction of the Entertainment Commission that they have been in regular operation as an entertainment use prior to January 1, 2004; provided, however, that a conditional use is required (1) if an application for a conditional use for the entertainment use was filed with the Planning Department prior to the date this ordinance was introduced or (2) if a conditional use was denied within 12 months prior to the effective date of this ordinance.

Section 34. The San Francisco Planning Code is hereby amended by amending
 Section 723.1, to read as follows:

SEC. 723.1. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

1 Sitting in the gulch between Nob and Russian Hills and Pacific Heights, the Polk Street
2 Neighborhood Commercial District extends for a mile as a north-south linear strip, and
3 includes a portion of Larkin Street between Post and California Streets. Polk Street's dense
4 mixed-use character consists of buildings with residential units above ground-story
5 commercial use. The district has an active and continuous commercial frontage along Polk
6 Street for almost all of its length. Larkin Street and side streets in the district have a greater
7 proportion of residences than Polk Street itself. The district provides convenience goods and
8 services to the residential communities in the Polk Gulch neighborhood and to the residents
9 on the west slopes of Nob and Russian Hills. It has many apparel and specialty stores, as well
10 as some automobile uses, which serve a broader trade area. Commercial uses also include
11 offices, as well as movie theaters, restaurants, and bars which keep the district active into the
12 evening.

13 The Polk Street District controls are designed to encourage and promote development
14 which is compatible with the surrounding neighborhood. The building standards monitor large-
15 scale development and protect rear yards at residential levels. Consistent with Polk Street's
16 existing mixed-use character, new buildings may contain most commercial uses at the first
17 two stories. The controls encourage neighborhood-serving businesses, but limit new eating,
18 drinking, other entertainment, and financial service uses, which can produce parking
19 congestion, noise and other nuisances or displace other types of local-serving convenience
20 goods and services. They also prohibit new adult entertainment uses. Restrictions on drive-up
21 and most automobile uses protect the district's continuous retail frontage and prevent further
22 traffic congestion.

Housing developed in new buildings is encouraged above the second story, especially in the less intensely developed portions of the district along Larkin Street. Existing housing units are protected by limitations on demolitions and upper-story conversions.

SEC. 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE

TABLE INSET:

			Polk Street
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
723.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250--252, 260, 270, 271	65-A, 80-A, 130-E See Zoning Map
723.11	Lot Size <i>[Per Development]</i>	§§ 790.56, 121.1	P up to 9,999 sq. ft. C 10,000 sq. ft. & above § 121.1
723.12	Rear Yard	§§ 130, 134, 136	Required at residential levels only § 134(a) (e)
723.13	Street Frontage		Required § 145.1

723.14	Awning	§ 790.20	P § 136.1(a)
723.15	Canopy	§ 790.26	P § 136.1(b)
723.16	Marquee	§ 790.58	P § 136.1(c)
723.17	Street Trees		Required § 143

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

723.20	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1 § 124(a) (b)
723.21	Use Size <i>[Non-Residential]</i>	§ 790.130	P up to 1,999 sq. ft.; C 2,000 sq. ft. & above § 121.2
723.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153--157, 159--160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
723.23	Off-Street Freight Loading	§§ 150, 153--155, 204.5	Generally, none required if gross floor

			area is less than 10,000 sq. ft. §§ 152, 161(b)
723.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
723.25	Drive-Up Facility	§ 790.30	
723.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
723.27	Hours of Operation	§ 790.48	P 6 a.m.--2 a.m. C 2 a.m.--6 a.m.
723.30	General Advertising Sign	§§ 262, 602--604, 608, 609	
723.31	Business Sign	§§ 262, 602--604, 608, 609	P § 607.1(f)2
723.32	Other Signs	§§ 262, 602--604, 608, 609	P § 607.1(c) (d) (g)

TABLE INSET:

No.	Zoning Category	§ References	Polk Street
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			Controls by Story		
		§ 790.118	1st	2nd	3rd+
723.38	Residential Conversion	§ 790.84	P	C	
723.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
723.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P	P	
723.41	Bar	§ 790.22	C		
723.42	Full-Service Restaurant	§ 790.92	C		
723.43	Large Fast Food Restaurant	§ 790.90			
723.44	Small Self-Service Restaurant	§ 790.91	C		
723.45	Liquor Store	§ 790.55	C		

723.46	Movie Theater	§ 790.64	P		
723.47	Adult Entertainment	§ 790.36			
723.48	Other Entertainment	§ 790.38	C		
723.49	Financial Service	§ 790.110	C	C	
723.50	Limited Financial Service	§ 790.112	P		
723.51	Medical Service	§ 790.114	P	P	
723.52	Personal Service	§ 790.116	P	P	
723.53	Business or Professional Service	§ 790.108	P	P	
723.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
723.55	Tourist Hotel	§ 790.46	C	C	C

1	723.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
2						
3	723.57	Automotive Gas Station	§ 790.14			
4						
5	723.58	Automotive Service Station	§ 790.17			
6						
7	723.59	Automotive Repair	§ 790.15	C		
8						
9	723.60	Automotive Wash	§ 790.18			
10						
11	723.61	Automobile Sale or Rental	§ 790.12			
12						
13	723.62	Animal Hospital	§ 790.6	C		
14						
15	723.63	Ambulance Service	§ 790.2			
16						
17	723.64	Mortuary	§ 790.62			
18						
19	723.65	Trade Shop	§ 790.124	P	C	
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21	723.66	Storage	§ 790.117			
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723.67	Video Store	§ 790.135	C	C	
723.68	Fringe Financial Service	§ 790.111	#		
<u>723.69</u>	<u>Self-Service Specialty Food</u>	<u>§ 790.93</u>	<u>C</u>		
Institutions and Non-Retail Sales and Services					
723.70	Administrative Service	§ 790.106			
723.80	Hospital or Medical Center	§ 790.44			
723.81	Other Institutions, Large	§ 790.50	P	C	C
723.82	Other Institutions, Small	§ 790.51	P	P	P
723.83	Public Use	§ 790.80	C	C	C

723.84	Medical Cannabis Dispensary	§ 790.141	P		
RESIDENTIAL STANDARDS AND USES					
723.90	Residential Use	§ 790.88	P	P	P
723.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 400 sq. ft. lot area § 207.4		
723.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 140 sq. ft. lot area § 208		
723.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	Generally, either 60 sq. ft. if private, or 80 sq. ft. if common § 135(d)		
723.94	Off-Street Parking, Residential	§§ 150, 153-- 157, 159--160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
723.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR THE POLK STREET DISTRICT

TABLE INSET:

Article 7	Other	Zoning Controls
Code	Code	
Section	Section	
723.68	§249.35	FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD) Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, properties within the North of Market Residential Special Use District; and includes some properties within the Polk Street Neighborhood Commercial District. Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).

Section 35. The San Francisco Planning Code is hereby amended by amending Section 724.1, to read as follows:

SEC. 724.1. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

Located in the Presidio Heights neighborhood in north-central San Francisco, the Sacramento Street Neighborhood Commercial District functions as a small-scale linear shopping area. It extends along Sacramento Street between Lyon and Spruce. Interspersed among residential buildings and garages, the district's daytime-oriented retail stores provide a limited array of convenience goods to the immediate neighborhood. Sacramento Street also

1 has many elegant clothing, accessory, and antique stores and services, such as hair salons,
2 which attract customers from a wider trade area. Its numerous medical and business offices
3 draw clients from throughout the City. Evening activity in the district is limited to one movie
4 theater, a few restaurants, and some stores near Presidio Avenue.

5 The Sacramento Street District controls are designed to promote adequate growth
6 opportunities for development that is compatible with the surrounding low-density residential
7 neighborhood. The building standards monitor large-scale development and protect rear yards
8 at the grade level and above. Most new commercial development is permitted at the first
9 story; general retail uses are permitted at the second story only if such use would not involve
10 conversion of any existing housing units. Special controls are designed to protect existing
11 neighborhood-serving ground-story retail uses. New medical service offices are prohibited at
12 all stories. Personal and business services are restricted at the ground story and prohibited on
13 upper stories. Limits on new ground-story eating and drinking uses, as well as new
14 entertainment and financial service uses, are intended to minimize the environmental impacts
15 generated by the growth of such uses. The daytime orientation of the district is encouraged by
16 prohibiting bars and restricting late-night commercial activity. New hotels and parking facilities
17 are limited in scale and operation to minimize disruption to the neighborhood. Most new
18 automobile and drive-up uses are prohibited to promote continuous retail frontage.

19 Housing development in new buildings is encouraged above the second story. Existing
20 residential units are protected by limitations on demolitions and prohibitions of upper-story
21 conversions.
22

23 SEC. 724. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT 24 25

ZONING CONTROL TABLE

TABLE INSET:

			Sacramento Street
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
724.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250–252, 260, 270, 271	40-X
724.11	Lot Size <i>[Per Development]</i>	§§ 790.56, 121.1	P up to 4,999 sq. ft. C 5,000 sq. ft. & above § 121.1
724.12	Rear Yard	§§ 130, 134, 136	Required at grade level and above § 134(a) (e)
724.13	Street Frontage		Required § 145.1
724.14	Awning	§ 790.20	P § 136.1(a)
724.15	Canopy	§ 790.26	P § 136.1(b)

724.16	Marquee	§ 790.58	P § 136.1(c)
724.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
724.20	Floor Area Ratio	§§ 102.9, 102.11, 123	1.8 to 1 § 124(a) (b)
724.21	Use Size <i>[Non-Residential]</i>	§ 790.130	P up to 2,499 sq. ft.; C 2,500 sq. ft. & above § 121.2
724.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153--157, 159--160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
724.23	Off-Street Freight Loading	§§ 150, 153--155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
724.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)

724.25	Drive-Up Facility	§ 790.30	
724.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
724.27	Hours of Operation	§ 790.48	P 6 a.m.--12 a.m.; C 12 a.m.--6 a.m.
724.30	General Advertising Sign	§§ 262, 602--604, 608, 609	
724.31	Business Sign	§§ 262, 602--604, 608, 609	P § 607.1(f) 2
724.32	Other Signs	§§ 262, 602--604, 608, 609	P § 607.1(c) (d) (g)

TABLE INSET:

No.	Zoning Category	§ References	Sacramento Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
724.38	Residential Conversion	§ 790.84	P		

724.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
724.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P	C	
724.41	Bar	§ 790.22			
724.42	Full-Service Restaurant	§ 790.92	C		
724.43	Large Fast Food Restaurant	§ 790.90			
724.44	Small Self-Service Restaurant	§ 790.91	C		
724.45	Liquor Store	§ 790.55	P		
724.46	Movie Theater	§ 790.64	P		
724.47	Adult Entertainment	§ 790.36			
724.48	Other Entertainment	§ 790.38	C		

724.49	Financial Service	\$ 790.110	C		
724.50	Limited Financial Service	\$ 790.112	C		
724.51	Medical Service	\$ 790.114			
724.52	Personal Service	\$ 790.116	C		
724.53	Business or Professional Service	\$ 790.108	C		
724.54	Massage Establishment	\$ 790.60, \$ 1900 Health Code			
724.55	Tourist Hotel	\$ 790.46	C	C	
724.56	Automobile Parking	\$\$ 790.8, 156, 160	C	C	C
724.57	Automotive Gas Station	\$ 790.14			
724.58	Automotive Service	\$ 790.17			

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	Station				
724.59	Automotive Repair	\$ 790.15			
724.60	Automotive Wash	\$ 790.18			
724.61	Automobile Sale or Rental	\$ 790.12			
724.62	Animal Hospital	\$ 790.6	C		
724.63	Ambulance Service	\$ 790.2			
724.64	Mortuary	\$ 790.62			
724.65	Trade Shop	\$ 790.124	P	C	
724.66	Storage	\$ 790.117			
724.67	Video Store	\$ 790.135	C	C	
724.68	Fringe Financial Service	\$ 790.111			

724.69	<u>Self-Service Specialty Food</u>	<u>§ 790.93</u>	<u>C</u>		
Institutions and Non-Retail Sales and Services					
724.70	Administrative Service	§ 790.106			
724.80	Hospital or Medical Center	§ 790.44			
724.81	Other Institutions, Large	§ 790.50	P	C	C
724.82	Other Institutions, Small	§ 790.51	P	P	P
724.83	Public Use	§ 790.80	C	C	C
724.84	Medical Cannabis Dispensary	§ 790.141	P		
RESIDENTIAL STANDARDS AND USES					
724.90	Residential Use	§ 790.88	P	P	P

724.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 800 sq. ft. lot area § 207.4		
724.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 275 sq. ft. lot area § 208		
724.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	Generally, either 100 sq. ft if private, or 133 sq. ft. if common § 135(d)		
724.94	Off-Street Parking, Residential	§§ 150, 153-- 157, 159--160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
724.95	Community Residential Parking	§ 790.10	C	C	C

TABLE INSET:

Article 7 Code Section	Other Code Section	Zoning Controls
724.38	790.84	Boundaries: Sacramento Street Neighborhood Commercial District Controls: A residential use may be converted to an Other Institution, Large, Educational Service use as defined by Section 790.50 as a conditional

		use, if, in addition to the criteria set forth in Section 303, the Planning Commission finds that:
		1) The residential use is comprised of a single dwelling unit in a building that is otherwise used for non-residential uses; and
		2) No legally residing residential tenant will be displaced.

Section 36. The San Francisco Planning Code is hereby amended by amending Section 725.1, to read as follows:

SEC. 725.1. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

The Union Street Commercial District is located in northern San Francisco between the Marina and Pacific Heights neighborhoods. The district lies along Union Street between Van Ness Avenue and Steiner, including an arm extending north on Fillmore Street to Lombard. The shopping area provides limited convenience goods for the residents of sections of the Cow Hollow, Golden Gate Valley, and Pacific Heights neighborhoods immediately surrounding the street. Important aspects of Union Street's business activity are eating and drinking establishments and specialty shops whose clientele comes from a wide trade area. There are also a significant number of professional, realty, and business offices. Many restaurants and bars as well as the district's two movie theaters are open into the evening hours, and on weekends the street's clothing, antique stores and galleries do a vigorous business.

The Union Street District controls are designed to provide sufficient growth opportunities for commercial development that is in keeping with the existing scale and

character, promote continuous retail frontage, and protect adjacent residential livability. Small-scale buildings and neighborhood-serving uses are promoted, and rear yards above the ground story and at all residential levels are protected. Most commercial development is permitted at the first two stories of new buildings, while retail service uses are monitored at the third story and above. Controls are necessary to preserve the remaining convenience businesses and to reduce the cumulative impacts which the growth of certain uses have on neighborhood residents. Such controls prohibit additional eating and drinking establishments and limit entertainment and financial service uses. Most automobile and drive-up uses are prohibited in order to maintain continuous retail frontage and minimize further traffic congestion.

Housing development in new buildings is encouraged above the second story. Existing residential units are protected by limitations on demolitions and upper-story conversions.

SEC. 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE

TABLE INSET:

			Union Street
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
725.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250--252, 260, 270, 271	40-X

725.11	Lot Size <i>[Per Development]</i>	§§ 790.56, 121.1	P up to 4,999 sq. ft. C 5,000 sq. ft. & above § 121.1
725.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a) (e)
725.13	Street Frontage		Required § 145.1
725.14	Awning	§ 790.20	P § 136.1(a)
725.15	Canopy	§ 790.26	P § 136.1(b)
725.16	Marquee	§ 790.58	P § 136.1(c)
725.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
725.20	Floor Area Ratio	§§ 102.9, 102.11, 123	3.0 to 1 § 124(a) (b)
725.21	Use Size <i>[Non-Residential]</i>	§ 790.130	P up to 2,499 sq. ft.; C

			2,500 sq. ft. & above § 121.2
725.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153--157, 159--160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
725.23	Off-Street Freight Loading	§§ 150, 153--155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
725.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
725.25	Drive-Up Facility	§ 790.30	
725.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
725.27	Hours of Operation	§ 790.48	P 6 a.m.--2 a.m. C 2 a.m.--6 a.m.
725.30	General Advertising Sign	§§ 262, 602--604,	

		608, 609	
725.31	Business Sign	§§ 262, 602--604, 608, 609	P § 607.1(f) 2
725.32	Other Signs	§§ 262, 602--604, 608, 609	P § 607.1(c) (d) (g)

TABLE INSET:

No.	Zoning Category	§ References	Union Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
725.38	Residential Conversion	§ 790.84	P	C	C
725.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
725.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P	P	
725.41	Bar	§ 790.22			

725.42	Full-Service Restaurant	§ 790.92			
725.43	Large Fast Food Restaurant	§ 790.90			
725.44	Small Self-Service Restaurant	§ 790.91			
725.45	Liquor Store	§ 790.55	C		
725.46	Movie Theater	§ 790.64	P		
725.47	Adult Entertainment	§ 790.36			
725.48	Other Entertainment	§ 790.38	C		
725.49	Financial Service	§ 790.110	C	C	
725.50	Limited Financial Service	§ 790.112	P		
725.51	Medical Service	§ 790.114	P	P	C
725.52	Personal Service	§ 790.116	P	P	C

725.53	Business or Professional Service	§ 790.108	P	P	C
725.54	Massage Establishment	§ 790.60, § 1900 Health Code			
725.55	Tourist Hotel	§ 790.46	C	C	C
725.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
725.57	Automotive Gas Station	§ 790.14			
725.58	Automotive Service Station	§ 790.17			
725.59	Automotive Repair	§ 790.15			
725.60	Automotive Wash	§ 790.18			
725.61	Automobile Sale or Rental	§ 790.12			
725.62	Animal Hospital	§ 790.6	C		

725.80	Hospital or Medical Center	§ 790.44			
725.81	Other Institutions, Large	§ 790.50	P	C	C
725.82	Other Institutions, Small	§ 790.51	P	P	P
725.83	Public Use	§ 790.80	C	C	C
725.84	Medical Cannabis Dispensary	§ 790.141	P		

RESIDENTIAL STANDARDS AND USES

725.90	Residential Use	§ 790.88	P	P	P
725.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 600 sq. ft. lot area § 207.4		
725.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 210 sq. ft. lot area § 208		
725.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	Generally, either 80 sq. ft if private, or 100 sq. ft. if common § 135(d)		
725.94	Off-Street Parking,	§§ 150, 153--	Generally, 1 space for each		

	Residential	157, 159–160, 204.5	dwelling unit §§ 151, 161(a) (g)		
725.95	Community Residential Parking	§ 790.10	C	C	C

Section 37. The San Francisco Planning Code is hereby amended by amending Section 726.1, to read as follows:

SEC. 726.1. VALENCIA STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

The Valencia Street Commercial District is located near the center of San Francisco in the Mission District. It lies along Valencia Street between 14th and Army Street, and includes a portion of 16th Street extending west towards Dolores Street. The commercial area provides a limited selection of convenience goods for the residents of sections of the Mission and Dolores Heights. Valencia Street also serves a wider trade area with its retail and wholesale home furnishings and appliance outlets. The commercial district also has several automobile-related businesses and large light manufacturing operations. Eating and drinking establishments contribute to the street's mixed-use character and activity in the evening hours. A number of upper-story professional and business offices are located in the district, some in converted residential units.

The Valencia Street District has a pattern of large lots and businesses, as well as a sizable number of upper-story residential units. Controls are designed to permit moderate-scale buildings and uses, protecting rear yards above the ground story and at residential levels. New neighborhood-serving commercial development is encouraged mainly at the ground story. While offices and general retail sales uses may locate at the second story of

new buildings under certain circumstances, most commercial uses are prohibited above the second story. In order to protect the balance and variety of retail uses and the livability of adjacent uses and areas, most eating and drinking and entertainment uses at the ground story are limited. Continuous retail frontage is promoted by prohibiting drive-up facilities, some automobile uses, and new nonretail commercial uses.

Housing development in new buildings is encouraged above the ground story. Existing residential units are protected by prohibitions on upper-story conversions and limitations on demolitions.

SEC. 726. VALENCIA STREET NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

TABLE INSET:

			Valencia Street
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
726.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250--252, 260, 270, 271	40-X, 50-X See Zoning Map
726.11	Lot Size <i>[Per Development]</i>	§§ 790.56, 121.1	P up to 9,999 sq. ft. C 10,000 sq. ft. & above

			§ 121.1
726.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a) (e)
726.13	Street Frontage		Required § 145.1
726.14	Awning	§ 790.20	P§ 136.1(a)
726.15	Canopy	§ 790.26	P § 136.1(b)
726.16	Marquee	§ 790.58	P § 136.1(c)
726.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
726.20	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1 § 124(a) (b)
726.21	Use Size <i>[Non-Residential]</i>	§ 790.130	P up to 2,999 sq. ft.; C 3,000 sq. ft. & above § 121.2

726.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153--157, 159--160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
726.23	Off-Street Freight Loading	§§ 150, 153--155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
726.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
726.25	Drive-Up Facility	§ 790.30	
726.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
726.27	Hours of Operation	§ 790.48	P 6 a.m.--2 a.m. C 2 a.m.--6 a.m.
726.30	General Advertising Sign	§§ 262, 602--604, 608, 609	
726.31	Business Sign	§§ 262, 602--604,	P § 607.1(f) 2

		608, 609	
726.32	Other Signs	§§ 262, 602--604, 608, 609	P § 607.1(c) (d) (g)

TABLE INSET:

No.	Zoning Category	§ References	Valencia Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
726.38	Residential Conversion	§ 790.84	P		
726.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
726.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P	C	
726.41	Bar	§ 790.22	C		
726.42	Full-Service Restaurant	§ 790.92	P		

726.43	Large Fast Food Restaurant	§ 790.90	C		
726.44	Small Self-Service Restaurant	§ 790.91	P		
726.45	Liquor Store	§ 790.55			
726.46	Movie Theater	§ 790.64	P		
726.47	Adult Entertainment	§ 790.36			
726.48	Other Entertainment	§ 790.38	C		
726.49	Financial Service	§ 790.110	P		
726.50	Limited Financial Service	§ 790.112	P		
726.51	Medical Service	§ 790.114	P	C	
726.52	Personal Service	§ 790.116	P	C	
726.53	Business or	§ 790.108	P	C	

	Professional Service				
726.54	Massage Establishment	\$ 790.60, \$ 1900 Health Code	C		
726.55	Tourist Hotel	\$ 790.46	C	C	
726.56	Automobile Parking	\$\$ 790.8, 156, 160	C	C	C
726.57	Automotive Gas Station	\$ 790.14			
726.58	Automotive Service Station	\$ 790.17			
726.59	Automotive Repair	\$ 790.15	C		
726.60	Automotive Wash	\$ 790.18			
726.61	Automobile Sale or Rental	\$ 790.12			
726.62	Animal Hospital	\$ 790.6	C		
726.63	Ambulance Service	\$ 790.2			

726.64	Mortuary	\$ 790.62	C	C	
726.65	Trade Shop	\$ 790.124	P	C	
726.66	Storage	\$ 790.117			
726.67	Video Store	\$ 790.135	C	C	
726.68	Fringe Financial Service	\$ 790.111	#	#	#
<u>726.69</u>	<u>Self-Service Specialty</u> <u>Food</u>	<u>\$ 790.93</u>	<u>P</u>		
Institutions and Non-Retail Sales and Services					
726.70	Administrative Service	\$ 790.106			
726.80	Hospital or Medical Center	\$ 790.44			

726.81	Other Institutions, Large	§ 790.50	P	C	C
726.82	Other Institutions, Small	§ 790.51	P	P	P
726.83	Public Use	§ 790.80	C	C	C
726.84	Medical Cannabis Dispensary	§ 790.141	P		
RESIDENTIAL STANDARDS AND USES					
726.90	Residential Use	§ 790.88	P	P	P
726.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 600 sq. ft. lot area § 207.4		
726.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 210 sq. ft. lot area § 208		
726.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	Generally, either 80 sq. ft if private, or 100 sq. ft. if common § 135(d)		
726.94	Off-Street Parking, Residential	§§ 150, 153-- 157, 159--160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		

726.95	Community Residential Parking	§ 790.10	C	C	C
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SPECIFIC PROVISIONS FOR THE VALENCIA STREET DISTRICT

TABLE INSET:

Article 7 Code Section	Other Code Section	Zoning Controls
§ 726.68	§ 249.35	FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD) Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the Valencia Street Neighborhood Commercial District. Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).

Section 38. The San Francisco Planning Code is hereby amended by amending Section 727.1, to read as follows:

1 **SEC. 727.1. 24TH STREET -- MISSION NEIGHBORHOOD COMMERCIAL**
2 **DISTRICT.**

3 The 24th Street -- Mission Neighborhood Commercial District is situated in the Inner
4 Mission District on 24th Street between Bartlett Street and San Bruno Avenue. This mixed-
5 use district provides convenience goods to its immediate neighborhood as well as comparison
6 shopping goods and services to a wider trade area. The street has a great number of Latin
7 American restaurants, grocery stores, and bakeries as well as other gift and secondhand
8 stores. Most commercial businesses are open during the day while the district's bars,
9 restaurants, and movie theater are also active in the evening. Dwelling units are frequently
10 located above the ground-story commercial uses.

11 The 24th Street -- Mission District controls are designed to provide potential for new
12 development consistent with the existing scale and character. Small-scale buildings and
13 neighborhood-serving uses are encouraged, and rear yard corridors above the ground story
14 and at residential levels are protected. Most commercial uses are encouraged at the ground
15 story, while service uses are permitted with some limitations at the second story. Special
16 controls are necessary to preserve the unique mix of convenience and specialty commercial
17 uses. In order to maintain convenience stores and protect adjacent livability, new bars and
18 fast-food restaurants are prohibited, and limitations apply to the development and operation of
19 ground-story full-service restaurants, take-out food and entertainment uses. Continuous retail
20 frontage is maintained and encouraged by prohibiting most automobile and drive-up uses.

21 Housing development in new buildings is encouraged above the ground story. Existing
22 housing units are protected by prohibitions on upper-story conversions and limitations on
23 demolitions.

SEC. 727. 24TH STREET -- MISSION NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE

TABLE INSET:

			24th Street -- Mission
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
727.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250--252, 260, 270, 271	40-X, 50-X, 105-E See Zoning Map
727.11	Lot Size <i>[Per Development]</i>	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft. & above § 121.1
727.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a) (e)
727.13	Street Frontage		Required § 145.1
727.14	Awning	§ 790.20	P § 136.1(a)

727.15	Canopy	§ 790.26	P § 136.1(b)
727.16	Marquee	§ 790.58	P § 136.1(c)
727.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
727.20	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1 § 124(a) (b)
727.21	Use Size <i>[Non-Residential]</i>	§ 790.130	P up to 2,499 sq. ft.; C 2,500 sq. ft. & above § 121.2
727.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153--157, 159--160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
727.23	Off-Street Freight Loading	§§ 150, 153-155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)

727.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
727.25	Drive-Up Facility	§ 790.30	
727.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2 (b)
727.27	Hours of Operation	§ 790.48	P 6 a.m.--2 a.m. C 2 a.m.--6 a.m.
727.30	General Advertising Sign	§§ 262, 602--604, 608, 609	
727.31	Business Sign	§§ 262, 602--604, 608, 609	P § 607.1(f)2
727.32	Other Signs	§§ 262, 602--604, 608, 609	P § 607.1(c) (d) (g)

TABLE INSET:

No.	Zoning Category	§ References	24th Street-- Mission		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+

727.38	Residential Conversion	§ 790.84	P		
727.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
727.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P		
727.41	Bar	§ 790.22			
727.42	Full-Service Restaurant	§ 790.92	C		
727.43	Large Fast Food Restaurant	§ 790.90			
727.44	Small Self-Service Restaurant	§ 790.91	C		
727.45	Liquor Store	§ 790.55			
727.46	Movie Theater	§ 790.64	P		
727.47	Adult Entertainment	§ 790.36			

727.48	Other Entertainment	§ 790.38	C		
727.49	Financial Service	§ 790.110	P		
727.50	Limited Financial Service	§ 790.112	P		
727.51	Medical Service	§ 790.114	P	C	
727.52	Personal Service	§ 790.116	P	C	
727.53	Business or Professional Service	§ 790.108	P	C	
727.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
727.55	Tourist Hotel	§ 790.46	C	C	
727.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
727.57	Automotive Gas	§ 790.14			

1		Station			
2	727.58	Automotive Service			
3		Station	§ 790.17		
4	727.59	Automotive Repair	§ 790.15	C	
5					
6	727.60	Automotive Wash.	§ 790.18		
7					
8	727.61	Automobile Sale or	§ 790.12		
9		Rental			
10	727.62	Animal Hospital	§ 790.6	C	
11					
12	727.63	Ambulance Service	§ 790.2		
13					
14	727.64	Mortuary	§ 790.62		
15					
16	727.65	Trade Shop	§ 790.124	P	
17					
18	727.66	Storage	§ 790.117		
19					
20	727.67	Video Store	§ 790.135	C	
21					
22					
23					
24					
25					

1					
2		Fringe Financial			
3	727.68	Service	\$ 790.111	#	#
4					
5					
6	<u>727.69</u>	<u>Self-Service Specialty</u>	<u>\$ 790.93</u>	<u>C</u>	
7		<u>Food</u>			
8					
9	Institutions and Non-Retail Sales and Services				
10	727.70	Administrative Service	\$ 790.106		
11					
12					
13	727.80	Hospital or Medical	\$ 790.44		
14		Center			
15	727.81	Other Institutions,	\$ 790.50	P	C
16		Large			C
17	727.82	Other Institutions,	\$ 790.51	P	P
18		Small			P
19					
20	727.83	Public Use	\$ 790.80	C	C
21					
22	727.84	Medical Cannabis	\$ 790.141	P	
23		Dispensary			
24	RESIDENTIAL STANDARDS AND USES				
25					

727.90	Residential Use	§ 790.88	P	P	P
727.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 600 sq. ft. lot area § 207.4		
727.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 210 sq. ft. lot area § 208		
727.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	Generally, either 80 sq. ft if private, or 100 sq. ft. if common § 135(d)		
727.94	Off-Street Parking, Residential	§§ 150, 153-- 157, 159--160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
727.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR THE 24TH STREET-MISSION DISTRICT

TABLE INSET:

Article 7 Code Section	Other Code Section	Zoning Controls
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§ 727.68	§ 249.35	FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the 24th Street-Mission Neighborhood Commercial District. Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).
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Section 39. The San Francisco Planning Code is hereby amended by amending Section 728.1, to read as follows:

SEC. 728.1. 24TH STREET -- NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT.

The 24th Street -- Noe Valley Neighborhood Commercial District is situated along 24th Street between Chattanooga and Diamond in the Noe Valley neighborhood of central San Francisco. This daytime-oriented, multi-purpose commercial district provides a mixture of convenience and comparison shopping goods and services to a predominantly local market area. It contains primarily retail sales and personal services at the street level, some office uses on the second story, and residential use almost exclusively on the third and upper stories.

The 24th Street -- Noe Valley District controls are designed to allow for development that is compatible with the existing small-scale, mixed-use neighborhood commercial character and surrounding residential area. The small scale of new buildings and neighborhood-serving uses is encouraged and rear yard open space corridors at all levels are protected. Most commercial uses are directed to the ground story and limited at the second story of new buildings. In order to maintain the variety and mix of retail sales and services along the commercial strip and to control the problems of traffic, congestion, noise and late-night activity, certain potentially troublesome commercial uses are regulated. Additional eating and drinking establishments are prohibited, and ground-story entertainment and financial service uses are restricted to and at the ground story. Prohibitions on drive-up and most automobile uses help prevent additional traffic and parking congestion.

Housing development in new buildings is encouraged above the ground story. Existing housing units are protected by prohibitions on upper-story conversions and limitations on demolitions.

SEC. 728. 24TH STREET -- NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

TABLE INSET:

			24th Street -- Noe Valley
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
728.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250–252, 260, 270, 271	40-X

728.11	Lot Size <i>[Per Development]</i>	§§ 790.56, 121.1	P up to 4,999 sq. ft. C 5,000 sq. ft. & above § 121.1
728.12	Rear Yard	§§ 130, 134, 136	Required at grade level and above § 134(a) (e)
728.13	Street Frontage		Required § 145.1
728.14	Awning	§ 790.20	P § 136.1(a)
728.15	Canopy	§ 790.26	P § 136.1(b)
728.16	Marquee	§ 790.58	P § 136.1(c)
728.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
728.20	Floor Area Ratio	§§ 102.9, 102.11, 123	1.8 to 1 § 124(a) (b)
728.21	Use Size <i>[Non-Residential]</i>	§ 790.130	P up to 2,499 sq. ft.; C 2,500 sq. ft. & above § 121.2
728.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153--157, 159--160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
728.23	Off-Street Freight Loading	§§ 150, 153--155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
728.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
728.25	Drive-Up Facility	§ 790.30	

728.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
728.27	Hours of Operation	§ 790.48	P 6 a.m.–2 a.m. C 2 a.m.–6 a.m.
728.30	General Advertising Sign	§§ 262, 602–604, 608, 609	
728.31	Business Sign	§§ 262, 602–604, 608, 609	P § 607.1(f)2
728.32	Other Signs	§§ 262, 602–604, 608, 609	P § 607.1(c) (d) (g)

TABLE INSET:

No.	Zoning Category	§ References	24th Street– Noe Valley		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
728.38	Residential Conversion	§ 790.84	P		
728.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
728.40	Other Retail Sales and Services <i>[Not Listed]</i>	§ 790.102	P#	C#	

	<i>Below]</i>				
728.41	Bar	§ 790.22	C#		
728.42	Full-Service Restaurant	§ 790.92	C#		
728.43	Large Fast Food Restaurant	§ 790.90			
728.44	Small Self-Service Restaurant	§ 790.91			
728.45	Liquor Store	§ 790.55	C		
728.46	Movie Theater	§ 790.64	P		
728.47	Adult Entertainment	§ 790.36			
728.48	Other Entertainment	§ 790.38	C		
728.49	Financial Service	§ 790.110	C		
728.50	Limited Financial Service	§ 790.112	C		

728.51	Medical Service	§ 790.114	P	C	
728.52	Personal Service	§ 790.116	P	C	
728.53	Business or Professional Service	§ 790.108	P	C	
728.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
728.55	Tourist Hotel	§ 790.46	C	C	
728.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
728.57	Automotive Gas Station	§ 790.14			
728.58	Automotive Service Station	§ 790.17			
728.59	Automotive Repair	§ 790.15			
728.60	Automotive Wash	§ 790.18			

728.61	Automobile Sale or Rental	§ 790.12			
728.62	Animal Hospital	§ 790.6	C		
728.63	Ambulance Service	§ 790.2			
728.64	Mortuary	§ 790.62			
728.65	Trade Shop	§ 790.124	P	C	
728.66	Storage	§ 790.117			
728.67	Video Store	§ 790.135	C	C	
728.68	Fringe Financial Service	§ 790.111	#	#	#
<u>728.69</u>	<u>Self-Service Specialty Food</u>	<u>§ 790.93</u>			

Institutions and Non-Retail Sales and Services

728.70	Administrative Service	§ 790.106			
728.80	Hospital or Medical Center	§ 790.44			
728.81	Other Institutions, Large	§ 790.50	P	C	C
728.82	Other Institutions, Small	§ 790.51	P	P	P
728.83	Public Use	§ 790.80	C	C	C
728.84	Medical Cannabis Dispensary	§ 790.141	P		

RESIDENTIAL STANDARDS AND USES

728.90	Residential Use	§ 790.88	P	P	P
728.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 600 sq. ft. lot area § 207.4		
728.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 210 sq. ft. lot area § 208		

728.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 80 sq. ft if private, or 100 sq. ft. if common § 135(d)		
728.94	Off-Street Parking, Residential	§§ 150, 153--157, 159--160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a)(g)		
728.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR THE 24TH STREET--NOE VALLEY
NEIGHBORHOOD COMMERCIAL DISTRICT

TABLE INSET:

Article 7 Code Section	Other Code Section	Zoning Controls
§ 728.40	§ 790.102(b) and (n) § 703.2(b)(1)(C)	24TH STREET -- NOE VALLEY SPECIALTY RETAIL USES Boundaries: Only the area within the 24th Street -- Noe Valley Neighborhood Commercial District. The controls shall not apply to NC-1 Districts or nonconforming uses within 1/4 mile of this District asset forth in Code §§ 710.10 and 186. Controls: Retail coffee stores, as defined in Code § 790.102(n), are prohibited. Retail coffee

stores and specialty groceries, defined in Code § 790.102(b), are prohibited from establishing accessory take-out food service use pursuant to Code § 703.2(b)(1)(C).

**24th STREET--NOE VALLEY LIQUOR LICENSES
FOR FULL-SERVICE RESTAURANTS**

Boundaries: Applicable to the 24th Street - Noe
Valley Neighborhood Commercial District

Controls: (a) In order to allow certain restaurants to seek an ABC license type 47 so that liquor may be served for drinking on the premises, a bar use, as defined in § 790.22, may be permitted as a conditional use on the ground level if, in addition to the criteria set forth in Section 303, the Planning Commission finds that:

(1) The bar function is operated as an integral element of an establishment which is classified both as: (A) a full-service restaurant as defined in § 790.92 and (B) a bona-fide restaurant as defined in § 781.8(c); and

(2) The establishment maintains only an ABC license type 47. Other ABC license types, except those that are included within the definition of a full-service restaurant pursuant to § 790.92, are not

permitted for those uses subject to this Section.
(b) Subsequent to the granting of a conditional use authorization under this Section, the Commission may consider immediate revocation of the previous conditional use authorization should an establishment no longer comply with any of the above criteria for any length of time.

24th STREET - NOE VALLEY FULL-SERVICE RESTAURANTS
Boundaries: Applicable to the 24th Street - Noe Valley Neighborhood Commercial District
Controls: (a) A full-service restaurant may be permitted as a conditional use on the ground level if, in addition to the criteria set forth in Section 303, the Planning Commission finds that:
(1) The full-service restaurant does not occupy space that has been occupied by a basic neighborhood service since the effective date of this Section. For the purposes of this Section, a 'basic neighborhood service' shall be considered to include, but not necessarily be limited to, the following: hardware stores, shoe repair facilities, bookstores, and grocery stores that sell a wide variety of staple goods and collect less than 50% of

§ 728.42

§ 790.92

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		gross receipts from the sale of alcoholic beverages; (2) Should the full-service restaurant seek the use of public sidewalk space through the Department of Public Works or another City agency, such use is conducted in a manner consistent with: (A) nearby commercial and residential uses and structures, and (B) the width of the sidewalk along the subject property and adjacent properties. New, expanded, or intensified use of public sidewalk space for a full-service restaurant authorized under this Section shall require a new conditional use authorization pursuant to Section 303; (3) The Planning Commission has approved no more than a total of three (3) full-service restaurants in accordance with this Section. Should a full-service restaurant permitted under this Section cease operation and complete a lawful change of use to another principally or conditionally permitted use, the Commission may consider a new full-service restaurant in accordance with the terms of this Section; and (4) No more than 60 months have elapsed from the effective date of this Section.
§ 728.68	§ 249.35	FRINGE FINANCIAL SERVICE RESTRICTED

USE DISTRICT (FFSRUD) Boundaries: The FFSRUD and its 1/4 mile buffer includes portions of, but is not limited to, the 24th Street-Noe Valley Neighborhood Commercial District. Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).

Section 40. The San Francisco Planning Code is hereby amended by amending Section 729.1, to read as follows:

SEC. 729.1. WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

Located in the southwestern part of the City, the West Portal Avenue Neighborhood Commercial District stretches for three long blocks along West Portal Avenue from Ulloa Street to 15th Avenue and extends one block east along Ulloa Street from the Twin Peaks Tunnel entrance to Claremont Boulevard. West Portal Avenue provides a selection of goods and services for customers coming mainly from the surrounding west of Twin Peaks and Sunset single-family residential neighborhoods. The lively, small-scale retail frontage is interrupted at several locations by large-scale financial institutions which take up a large amount of commercial ground-story frontage. More than half of the number of medical, professional and business offices are located at the ground level. Except for one three-movie

1 theater complex, West Portal offers no entertainment uses and its restaurants are mainly
2 family-oriented.

3 The West Portal Avenue District controls are designed to preserve the existing family-
4 oriented, village character of West Portal Avenue. The building standards limit building heights
5 to 26 feet and two stories and maintain the existing pattern of rear yards at the ground level
6 and above. The height, bulk and design of new development, especially on large lots, should
7 respect the small-scale character of the district and its surrounding residential neighborhoods.
8 Lot mergers creating large lots are discouraged. Individual nonresidential uses require
9 conditional use permits above 2,500 square feet and are restricted to 4,000 square feet as an
10 absolute limit to conform with the existing small use sizes in the district.

11 Special controls on commercial uses are designed to protect the existing mix of
12 ground-story retail uses and prevent further intensification and congestion in the district. No
13 new financial services are permitted. Because the district and surrounding neighborhoods are
14 well served by the existing number of eating and drinking establishments, new bars,
15 restaurants and take-out food generally are discouraged: any proposed new establishment
16 should be carefully reviewed to ensure that it is neighborhood-serving and family-oriented,
17 and will not involve high-volume take-out food or generate traffic, parking, or litter problems.
18 Large fast-food restaurants and small self-service restaurants are prohibited. Medical,
19 business or professional services are permitted at the first two stories, but additional ground-
20 story locations are to be closely monitored to ensure that the current balance between retail
21 and office uses is maintained. Existing service stations are encouraged to continue operating,
22 but changes in their size, operation, or location are subject to review. Other automotive uses
23 are prohibited. The neighborhood-oriented, retail character of the district is further protected
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by prohibiting hotels and nonretail uses. The daytime orientation of the district is maintained by prohibitions of entertainment uses and late-night commercial operating hours.

Housing development is limited. Existing residential units are protected by limitations on demolition and prohibition of upper-story conversions; new construction is to be carefully reviewed to ensure appropriate scale, design and compatibility with adjacent development.

SEC. 729. WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

TABLE INSET:

			West Portal Avenue
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
729.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250--252, 260, 270, 271	26-X
729.11	Lot Size <i>[Per Development]</i>	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft. & above § 121.1
729.12	Rear Yard	§§ 130, 134, 136	Required at grade level and above § 134(a)

			(e)
729.13	Street Frontage		Required § 145.1
729.14	Awning	§ 790.20	P § 136.1(a)
729.15	Canopy	§ 790.26	P § 136.1(b)
729.16	Marquee	§ 790.58	P § 136.1(c)
729.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
729.20	Floor Area Ratio	§§ 102.9, 102.11, 123	1.8 to 1 § 124(a) (b)
729.21	Use Size <i>[Nonresidential]</i>	§ 790.130	P up to 2,499 sq. ft.; C 2,500 to 3,999 sq. ft.; NP 4,000 sq. ft. & above § 121.2
729.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153--157, 159--160, 204.5	Generally, none required if occupied floor area is less than

			5,000 sq. ft. §§ 151, 161(g)
729.23	Off-Street Freight Loading	§§ 150, 153--155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
729.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
729.25	Drive-Up Facility	§ 790.30	
729.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
729.27	Hours of Operation	§ 790.48	P 6 a.m.--2 a.m.
729.30	General Advertising Sign	§§ 262, 602--604, 608, 609	
729.31	Business Sign	§§ 262, 602--604, 608, 609	P § 607.1(f)2
729.32	Other Signs	§§ 262, 602--604,	P § 607.1(c) (d) (g)

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TABLE INSET:

No.	Zoning Category	§ References	West Portal Avenue		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
729.38	Residential Conversion	§ 790.84	P		
729.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
729.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P#	P	
729.41	Bar	§ 790.22	C		
729.42	Full-Service Restaurant	§ 790.92	C		
729.43	Large Fast Food Restaurant	§ 790.90			

1	729.44	Small Self-Service	§ 790.91			
2		Restaurant				
3	729.45	Liquor Store	§ 790.55	P		
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5	729.46	Movie Theater	§ 790.64			
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7	729.47	Adult Entertainment	§ 790.36			
8						
9	729.48	Other Entertainment	§ 790.38			
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11	729.49	Financial Service	§ 790.110			
12						
13	729.50	Limited Financial	§ 790.112	C		
14		Service				
15	729.51	Medical Service	§ 790.114	C	P	
16						
17	729.52	Personal Service	§ 790.116	P	P	
18						
19	729.53	Business or	§ 790.108	C #	P	
20		Professional Service				
21	729.54	Massage	§ 790.60, §			
22						
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1		Establishment	1900 Health			
2			Code			
3	729.55	Tourist Hotel	§ 790.46			
4						
5	729.56	Automobile Parking	§§ 790.8, 156,			
6			160			
7						
8	729.57	Automotive Gas	§ 790.14			
9		Station				
10	729.58	Automotive Service	§ 790.17	C		
11		Station				
12	729.59	Automotive Repair	§ 790.15			
13						
14						
15	729.60	Automotive Wash	§ 790.18			
16						
17	729.61	Automobile Sale or	§ 790.12			
18		Rental				
19	729.62	Animal Hospital	§ 790.6	C		
20						
21	729.63	Ambulance Service	§ 790.2			
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23						
24	729.64	Mortuary	§ 790.62			
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729.65	Trade Shop	\$ 790.124	P		
729.66	Storage	\$ 790.117			
729.67	Video Store	\$ 790.135	C	C	
729.68	Fringe Financial Service	\$ 790.111			
<u>729.69</u>	<u>Self-Service Specialty</u> <u>Food</u>	<u>\$ 790.93</u>			
Institutions and Non-Retail Sales and Services					
729.70	Administrative Service	\$ 790.106			
729.80	Hospital or Medical Center	\$ 790.44			
729.81	Other Institutions, Large	\$ 790.50	C	C	

729.82	Other Institutions, Small	§ 790.51	P	P	
729.83	Public Use	§ 790.80	C	C	
729.84	Medical Cannabis Dispensary	§ 790.141	C		
RESIDENTIAL STANDARDS AND USES					
729.90	Residential Use	§ 790.88	P	P	
729.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 800 sq. ft. lot area § 207.4		
729.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 275 sq. ft. lot area § 208		
729.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	Generally, either 100 sq. ft. if private, or 133 sq. ft. if common § 135(d)		
729.94	Off-Street Parking, Residential	§§ 150, 153-- 157, 159--160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
729.95	Community Residential Parking	§ 790.10	C	C	

SPECIFIC PROVISIONS FOR THE WEST PORTAL AVENUE NEIGHBORHOOD
COMMERCIAL DISTRICT

TABLE INSET:

Article 7 Code Section	Other Code Section	Zoning Controls
§ 729.40	§ 790.102	Boundaries: The entire West Portal Neighborhood Commercial District Controls: A retail coffee store or other non-alcoholic beverage store as defined by Subsection 790.102(n) may be granted a conditional use to be exempt from the prohibition described in that subsection of cooking devices and on-site food preparation not connected with beverage preparation, provided that the cooking device allowed shall be limited to one small device for warming sandwich ingredients and provided that all other provisions of Subsection 790.102(n) are met.
§ 729.53		Boundaries: The entire West Portal Neighborhood Commercial District Controls: Applicable only for the use of stock brokerage. A stock brokerage may apply for conditional use if there are no more than a total of seven financial uses and/or stock brokerages within the district.

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		If there are more than seven financial services and/or stock brokerages in the district, stock brokerages shall not be permitted.
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Section 41. The San Francisco Planning Code is hereby amended by amending Section 730.1, to read as follows:

SEC. 730.1. INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT.

The Inner Sunset Neighborhood Commercial District is located in the Inner Sunset neighborhood, consisting of the NC-2 district bounded by Lincoln Way on the north, Fifth Avenue on the east, Kirkham Street on the south, and Nineteenth Avenue on the west. The shopping area provides convenience goods and services to local Inner Sunset residents, as well as comparison shopping goods and services to a larger market area. The commercial district is also frequented by users of Golden Gate Park on weekends and by City residents for its eating, drinking, and entertainment places. Numerous housing units establish the district's mixed residential-commercial character.

The Inner Sunset District controls are designed to protect the existing building scale and promote new mixed-use development which is in character with adjacent buildings. The building standards regulate large-lot and use development and protect rear yards above the ground story and at residential levels. To promote the prevailing mixed use character, most commercial uses are directed primarily to the ground story with some upper-story restrictions in new buildings. In order to maintain the balanced mix and variety of neighborhood-serving commercial uses and regulate the more intensive commercial uses which can generate congestion and nuisance problems, special controls prohibit additional eating and drinking

uses, restrict expansion and intensification of existing eating and drinking establishments, and limit entertainment and tourist hotels. Prohibitions of most automobile and drive-up uses protect the district's continuous retail frontage.

Housing development in new buildings is encouraged above the ground story. Existing residential units are protected by prohibition of upper-story conversions and limitations on demolitions.

SEC. 730. INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

TABLE INSET:

			Inner Sunset
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
730.1	Height and Bulk Limit	§§ 102.12, 105, 106, 250--252, 260, 270, 271	40-X
730.11	Lot Size <i>[Per Development]</i>	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft. & above § 121.1
730.12	Rear Yard	§§ 130, 134, 136	Required at grade level

			and above § 134(a) (e)
730.13	Street Frontage		Required § 145.1
730.14	Awning	§ 790.20	P § 136.1(a)
730.15	Canopy	§ 790.26	P § 136.1(b)
730.16	Marquee	§ 790.58	P § 136.1(c)
730.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
730.2	Floor Area Ratio	§§ 102.9, 102.11, 123	1.8 to 1 § 124(a) (b)
730.21	Use Size <i>[Nonresidential]</i>	§ 790.130	P up to 2,499 sq. ft.; C 2,500 sq. ft. & above § 121.2
730.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153--157, 159--160, 204.5	Generally, none required if occupied floor area is less than

			5,000 sq. ft. §§ 151, 161(g)
730.23	Off-Street Freight Loading	§§ 150, 153--155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
730.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
730.25	Drive-Up Facility	§ 790.30	
730.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
730.27	Hours of Operation	§ 790.48	P 6 a.m.--2 a.m. C 2 a.m.--6 a.m.
730.30	General Advertising Sign	§§ 262, 602, 604, 608, 609	
730.31	Business Sign	§§ 262, 602, 604, 608, 609	P § 607.1(f)2
730.32	Other Signs	§§ 262, 602, 604,	P § 607.1(c) (d) (g)

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TABLE INSET:

No.	Zoning Category	§ References	Inner Sunset		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
730.38	Residential Conversion	§ 790.84	P		
730.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
730.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P	C	
730.41	Bar	§ 790.22	C #		
730.42	Full-Service Restaurant	§ 790.92	C #		
730.43	Large Fast Food Restaurant	§ 790.90			

730.44	Small Self-Service Restaurant	§ 790.91	C		
730.45	Liquor Store	§ 790.55			
730.46	Movie Theater	§ 790.64	P		
730.47	Adult Entertainment	§ 790.36			
730.48	Other Entertainment	§ 790.38	C		
730.49	Financial Service	§ 790.110	P		
730.50	Limited Financial Service	§ 790.112	P		
730.51	Medical Service	§ 790.114	C	C	
730.52	Personal Service	§ 790.116	P	C	
730.53	Business or Professional Service	§ 790.108	P	C	
730.54	Massage	§ 790.60, §	C		

1		Establishment	1900 Health			
2			Code			
3	730.55	Tourist Hotel	§ 790.46	C	C	
4						
5	730.56	Automobile Parking	§§ 790.8, 156,	C	C	C
6			160			
7						
8	730.57	Automotive Gas	§ 790.14			
9		Station				
10	730.58	Automotive Service	§ 790.17			
11		Station				
12	730.59	Automotive Repair	§ 790.15	C		
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14	730.60	Automotive Wash	§ 790.18			
15						
16	730.61	Automobile Sale or	§ 790.12			
17		Rental				
18						
19	730.62	Animal Hospital	§ 790.6	C		
20						
21	730.63	Ambulance Service	§ 790.2			
22						
23	730.64	Mortuary	§ 790.62			
24						
25						

730.65	Trade Shop	§ 790.124	P		
730.66	Storage	§ 790.117			
730.67	Video Store	§ 790.135	C		
730.68	Fringe Financial Service	§ 790.111	P#		
<u>730.69</u>	<u>Self-Service Specialty</u> <u>Food</u>	<u>§ 790.93</u>	<u>C</u>		
Institutions and Non-Retail Sales and Services					
730.7	Administrative Service	§ 790.106			
730.8	Hospital or Medical Center	§ 790.44			
730.81	Other Institutions, Large	§ 790.50	P	C	C

730.82	Other Institutions, Small	§ 790.51	P	P	P
730.83	Public Use	§ 790.80	C	C	
730.84	Medical Cannabis Dispensary	§ 790.141	P		
RESIDENTIAL STANDARDS AND USES					
730.9	Residential Use	§ 790.88	P	P	P
730.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 800 sq. ft. lot area § 207.4		
730.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 275 sq. ft. lot area § 208		
730.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	Generally, either 100 sq. ft. if private, or 133 sq. ft. if common § 135(d)		
730.94	Off-Street Parking, Residential	§§ 150, 153-- 157, 159--160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
730.95	Community Residential Parking	§ 790.10	C	C	C

1 SPECIFIC PROVISIONS FOR THE INNER SUNSET

2
3 NEIGHBORHOOD COMMERCIAL DISTRICT

4 TABLE INSET:

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Article 7	Other	Zoning Controls
Code	Code	
Section	Section	
§ 730.68	§ 249.35	Fringe financial services are P subject to the restrictions set forth in Section 249.35, including, but not limited to, the proximity restrictions set forth in Subsection 249.35(c)(3).

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15 Section 42. The San Francisco Planning Code is hereby amended by amending
16 Section 731.1, to read as follows:

17 **SEC. 731.1. NCT-3 -- MODERATE-SCALE NEIGHBORHOOD COMMERCIAL**
18 **TRANSIT DISTRICT.**

19 NCT-3 Districts are transit-oriented moderate- to high-density mixed-use
20 neighborhoods of varying scale concentrated near transit services. The NCT-3 Districts are
21 mixed use districts that support neighborhood-serving commercial uses on lower floors and
22 housing above. These districts are well-served by public transit and aim to maximize
23 residential and commercial opportunities on or near major transit services. The district's form
24 can be either linear along transit-priority corridors, concentric around transit stations, or
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1 broader areas where transit services criss-cross the neighborhood. Housing density is limited
2 not by lot area, but by the regulations on the built envelope of buildings, including height, bulk,
3 setbacks, and lot coverage, and standards for residential uses, including open space and
4 exposure, and urban design guidelines. Residential parking is not required and generally
5 limited. Commercial establishments are discouraged or prohibited from building accessory off-
6 street parking in order to preserve the pedestrian-oriented character of the district and prevent
7 attracting auto traffic. There are prohibitions on access (i.e. driveways, garage entries) to off-
8 street parking and loading on critical stretches of NC and transit streets to preserve and
9 enhance the pedestrian-oriented character and transit function.

11 NCT-3 Districts are intended in most cases to offer a wide variety of comparison and
12 specialty goods and services to a population greater than the immediate neighborhood,
13 additionally providing convenience goods and services to the surrounding neighborhoods.
14 NCT-3 Districts include some of the longest linear commercial streets in the City, some of
15 which have continuous retail development for many blocks. Large-scale lots and buildings and
16 wide streets distinguish the districts from smaller-scaled commercial streets, although the
17 districts may include small as well as moderately scaled lots. Buildings may range in height,
18 with height limits varying from four to eight stories.

20 NCT-3 building standards permit moderately large commercial uses and buildings.
21 Rear yards are protected at residential levels.

22 A diversified commercial environment is encouraged for the NCT-3 District, and a wide
23 variety of uses are permitted with special emphasis on neighborhood-serving businesses.
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Eating and drinking, entertainment, and financial service uses generally are permitted with certain limitations at the first and second stories. Auto-oriented uses are somewhat restricted. Other retail businesses, personal services and offices are permitted at all stories of new buildings. Limited storage and administrative service activities are permitted with some restrictions.

Housing development in new buildings is encouraged above the second story. Existing residential units are protected by limitations on demolitions and upper-story conversions.

**SEC. 731. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL
TRANSIT DISTRICT NCT-3 ZONING CONTROL TABLE.**

TABLE INSET:

			NC-3
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
731.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250- 252, 260, 261.1, 263.18, 270, 271	Varies See Zoning Map Height Sculpting on Alleys; § 261.1 Additional 5' Height Allowed for Ground Floor Active Uses in 40-X and

			50-X; § 263.18
731.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 9,999 sq. ft.; C 10,000 sq. ft. & above §121.1
731.12	Rear Yard	§§ 130, 134, 136	Required at residential levels only § 134(a)(e)
731.13	Street Frontage		Required § 145.1
731.13a	Street Frontage, Above-Grade Parking Setback and Active Uses		Minimum 25 feet on ground floor, 15 feet on floors above § 145.1(c), (e)
731.13b	Street Frontage, Required Ground Floor Commercial		Market Street, Church Street § 145.1(d)
731.13c	Street Frontage, Parking and Loading access restrictions		§ 155(r) NP: Market Street, Church Street, Mission Street C: Duboce Street, Haight Street
731.14	Awning	§ 790.20	P § 136.1(a)

731.15	Canopy	§ 790.26	P § 136.1(b)
731.16	Marquee	§ 790.58	P § 136.1(c)
731.17	Street Trees	-	Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
731.20	Floor Area Ratio	§§ 102.9, 102.11, 123	3.6 to 1 § 124 (a) (b)
731.21	Use Size [Non-Residential]	§ 790.130	P up to 5,999 sq. ft.; C 6,000 sq. ft. & above § 121.2
731.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153-- 157, 159--160, 204.5	None required. For uses in Table 151 that are described as a ratio of occupied floor area, P up to 1 space per 1,500 feet of occupied floor area or the quantity specified in Table 151, whichever is less, and subject to the conditions of Section

			151.1(f); NP above. For retail grocery stores larger than 20,000 square feet, P up to 1:500, C up to 1:250 for space in excess of 20,000 s.f. subject to conditions of 151.1(f); NP above. For all other uses, P up to the quantity specified in Table 151, and subject to the conditions of Section 151.1(f); NP above. §§ 151.1, 166, 145.1
731.23	Off-Street Freight Loading	§§ 150, 153--155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
731.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
731.25	Drive-Up Facility	§ 790.30	
731.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.;

			C if not recessed § 145.2(b)
731.27	Hours of Operation	§ 790.48	No Limit
731.30	General Advertising Sign	§§ 262, 602-- 604, 608, 609	P # § 607.1(e)2
731.31	Business Sign	§§ 262, 602-- 604, 608, 609	P # § 607.1(f)3
731.32	Other Signs	§§ 262, 602-- 604, 608, 609	P # § 607.1(c) (d) (g)

TABLE INSET:

No.	Zoning Category	§ References	NCT-3		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
731.38	Residential Conversion	§ 790.84, 207.7	C	C	C
731.39	Residential Demolition	§ 790.86, 207.7	C	C	C

731.39a	Residential Division	\$ 207.6	P	P	P
Retail Sales and Services					
731.40	Other Retail Sales and Services [Not Listed Below]	\$ 790.102	P #	P #	P #
731.41	Bar	\$ 790.22	P	P	-
731.42	Full-Service Restaurant	\$ 790.92	P	P	-
731.43	Large Fast Food Restaurant	\$ 790.90	C #	C #	-
731.44	Small Self- Service Restaurant	\$ 790.91	P #	P #	-
731.45	Liquor Store	\$ 790.55	-	-	-
731.46	Movie Theater	\$ 790.64	P	P	-
731.47	Adult Entertainment	\$ 790.36	C	C	-
731.48	Other Entertainment	\$ 790.38	P	P	-

731.49	Financial Service	§ 790.110	P	P	-
731.50	Limited Financial Service	§ 790.112	P	P	-
731.51	Medical Service	§ 790.114	P	P	P
731.52	Personal Service	§ 790.116	P	P	P
731.53	Business or Professional Service	§ 790.108	P	P	P
731.54	Massage Establishment	§ 790.60, § 2700 Police Code	C	C	-
731.55	Tourist Hotel	§ 790.46	C	C	C
731.56	Automobile Parking	§§ 790.8, 156, 158.1, 160	C	C	C
731.57	Automobile Gas Station	§ 790.14	C	-	-
731.58	Automotive	§ 790.17	C	-	-

1		Service Station			
2					
3	731.59	Automotive Repair	\$ 790.15	C	C -
4					
5	731.60	Automotive Wash	\$ 790.18	C	- -
6					
7	731.61	Automobile Sale or Rental	\$ 790.12	C	- -
8					
9	731.62	Animal Hospital	\$ 790.6	C	C -
10					
11	731.63	Ambulance Service	\$ 790.2	C	- -
12					
13	731.64	Mortuary	\$ 790.62	C	C C
14					
15	731.65	Trade Shop	\$ 790.124	P	C C
16					
17	731.66	Storage	\$ 790.117	C	C C
18					
19	731.67	Video Store	\$ 790.135	C	C C
20					
21	<u>731.68</u>	<u>Fringe Financial</u>	<u>\$ 790.11</u>	<u>P</u>	<u>P</u>
22		<u>Services</u>			
23		<u>Self-Service</u>			
24	<u>731.69</u>	<u>Specialty Food</u>	<u>\$ 790.93</u>	<u>P#</u>	<u>P#</u>
25					

Institutions and Non-Retail Sales and Services					
731.70	Administrative Service	§ 790.106	C	C	C
731.80	Hospital or Medical Center	§ 790.44	C	C	C
731.81	Other Institutions, Large	§ 790.50	P	P	P
731.82	Other Institutions, Small	§ 790.51	P	P	P
731.83	Public Use	§ 790.80	C	C	C
731.84	Medical Cannabis Dispensary	§ 790.141	P #	-	-
RESIDENTIAL STANDARDS AND USES					

731.90	Residential Use	§ 790.88	P, except C for frontages listed in 145.1(d)	P	P
731.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	No residential density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. § 207.4, 207.6		
731.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	No group housing density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. § 208		

731.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 80 sq. ft. if private, or 100 sq. ft. if common § 135(d)		
731.94	Off-Street Parking, Residential	§§ 150, 153-157, 159-160, 204.5	None required. P up to 0.5; C up to 0.75. Not permitted above .75 cars for each dwelling unit. § 151.1, 166, 167, 145.1		
731.95	Community Residential Parking	§ 790.10, 145.1, 166	C	C	C

SPECIFIC PROVISIONS FOR NCT-3 DISTRICTS

TABLE INSET:

Article 7 Code Section	Other Code Section	Zoning Controls
§ 731.30 § 731.31 § 731.32	§ 608.10	UPPER MARKET STREET SPECIAL SIGN DISTRICT
		Boundaries: Applicable only for the portion of the

		Market Street NCT-3 District from Octavia to Church Streets as mapped on Sectional Map SSD
		Controls: Special restrictions and limitations for signs
§ 731.84 § 790.141	Health Code § 3308	Medical cannabis dispensaries in NCT-3 District may only operate between the hours of 8 am and 10 pm.

Section 43. The San Francisco Planning Code is hereby amended by amending Section 732.1, to read as follows:

SEC. 732.1. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

The Pacific Avenue Neighborhood Commercial District, on Pacific Avenue from just east of Polk Street to all four corners of Pacific Avenue and Jones Street, is situated on the north slope of the Nob Hill neighborhood and south of the Broadway Tunnel. Pacific Avenue is a multi-purpose, small-scale mixed-use neighborhood shopping district on a narrow street that provides limited convenience goods to the adjacent neighborhoods.

The Pacific Avenue Neighborhood Commercial District controls are designed to promote a small, neighborhood serving mixed-use commercial street that preserves the surrounding neighborhood residential character. These controls are intended to preserve livability in a largely low-rise development residential neighborhood, enhance solar access on a narrow street right-of-way and protect residential rear yard patterns at the ground floor.

(Added by Ord. 167-07, File. No. 070681, App. 7/20/2007)

SEC. 732. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

TABLE INSET:

			Pacific Avenue NCD
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
732.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250-252, 260, 270, 271	40-X See Zoning Map
732.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 9,999 sq. ft.; C 10,000 sq. ft. & above § 121.1
732.12	Rear Yard	§§ 130, 134, 136	45% required at the first story and above and at all residential levels § 134(c)
732.13	Street Frontage		Required

			§ 145.1
732.14	Awning	§ 790.20	P § 136.1(a)
732.15	Canopy	§ 790.26	P § 136.1(b)
732.16	Marquee	§ 790.58	P § 136.1(c)
732.17	Street Trees		Required § 143

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

732.20	Floor Area Ratio	§§ 102.9, 102.11, 123	1.5 to 1 § 124(a) (b)
732.21	Use Size [Non-Residential]	§ 790.130	P up to 1,999 sq. ft.; C 2,000 sq. ft. & above § 121.2
732.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153-157, 159-160, 204.5	Generally, none required if occupied floor area is less than 2,000 sq. ft. §§ 151, 161(g)

TABLE INSET:

			Pacific Avenue NCD
No.	Zoning Category	§ References	Controls
732.23	Off-Street Freight Loading	§§ 150, 153-155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
732.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
732.25	Drive-Up Facility	§ 790.30	
732.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
732.27	Hours of Operation	§ 790.48	P 6 a.m. - 10 p.m.; C 10 p.m. - 2 a.m.
732.30	General Advertising Sign	§§ 262, 602-604, 608, 609	
732.31	Business Sign	§§ 262, 602-604,	P

		608, 609	§ 607.1(f) 2
732.32	Other Signs	§§ 262, 602-604, 608, 609	P § 607.1(c) (d) (g)

TABLE INSET:

No.	Zoning Category	§ References	Pacific Avenue NCD		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
732.38	Residential Conversion	§ 790.84	C		
732.39	Residential Demolition	§ 790.86	C		
Retail Sales and Services					
732.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P	C	
732.41	Bar	§ 790.22			
732.42	Full-Service Restaurant	§ 790.92	C		

732.43	Large Fast Food Restaurant	§ 790.90			
732.44	Small Self-Service Restaurant	§ 790.91			
732.45	Liquor Store	§ 790.55			
732.46	Movie Theater	§ 790.64			
732.47	Adult Entertainment	§ 790.36			
732.48	Other Entertainment	§ 790.38			
732.49	Financial Service	§ 790.110	C		
732.50	Limited Financial Service	§ 790.112	P		
732.51	Medical Service	§ 790.114	C	C	
732.52	Personal Service	§ 790.116	P	C	
732.53	Business or	§ 790.108	P	C	

	Professional Service				
732.54	Massage Establishment	§ 790.60, § 2700 Police Code			
732.55	Tourist Hotel	§ 790.46			
732.56	Automobile Parking	§§ 790.8, 156, 160	C		
732.57	Automotive Gas Station	§ 790.14			
732.58	Automotive Service Station	§ 790.17			
732.59	Automotive Repair	§ 790.15	C		
732.60	Automotive Wash	§ 790.18			
732.61	Automobile Sale or Rental	§ 790.12			
732.62	Animal Hospital	§ 790.6			
732.63	Ambulance Service	§ 790.2			

732.64	Mortuary	\$ 790.62			
732.65	Trade Shop	\$ 790.124	C		
732.66	Storage	\$ 790.117			
732.67	Video Store	\$ 790.135	C		
<u>732.68</u>	<u>Fringe Financial</u> <u>Service</u>	<u>\$ 790.111</u>	<u>P</u>		
<u>732.69</u>	<u>Self-Serve Specialty</u> <u>Food</u>	<u>\$ 790.93</u>			
Institutions and Non-Retail Sales and Services					
732.70	Administrative Service	\$ 790.106			
732.80	Hospital or Medical Center	\$ 790.44			

1	732.81	Other Institutions, Large	§ 790.50			
2						
3	732.82	Other Institutions, Small	§ 790.51	C		
4						
5	732.83	Public Use	§ 790.80	C		
6						
7						
8	RESIDENTIAL STANDARDS AND USES					
9	732.90	Residential Use	§ 790.88	P	P	P
10						
11	732.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 1,000 sq. ft. lot area § 207.4		
12						
13	732.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 275 sq. ft. lot area § 208		
14						
15	732.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 100 sq. ft if private, or 133 sq. ft. if common § 135(d)		
16						
17	732.94	Off-Street Parking, Residential	§§ 150, 153-157, 159-160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
18						
19	732.95	Community Residential Parking	§ 790.10	C		
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22						
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1
2 Section 44. The San Francisco Planning Code is hereby amended by amending
3 Section 733.1, to read as follows:
4

5 **SEC. 733.1. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT**
6 **DISTRICT.**

7 The Upper Market Street Neighborhood Commercial Transit District is located on
8 Market Street from Church to Noe Streets, and on side streets off Market. Upper Market
9 Street is a multi-purpose commercial district that provides limited convenience goods to
10 adjacent neighborhoods, but also serves as a shopping street for a broader trade area. A
11 large number of offices are located on Market Street within easy transit access to downtown.
12 The width of Market Street and its use as a major arterial diminish the perception of the Upper
13 Market Street Transit District as a single commercial district. The street appears as a
14 collection of dispersed centers of commercial activity, concentrated at the intersections of
15 Market Street with secondary streets.
16

17 This district is well served by transit and is anchored by the Market Street subway (with
18 stations Church Street and Castro Street) and the F-Market historic streetcar line. All light-rail
19 lines in the City traverse the district, including the F, J, K, L, M, and N, and additional key
20 cross-town transit service crosses Market Street at Fillmore and Castro Streets. Additionally,
21 Market Street is a primary bicycle corridor. Housing density is limited not by lot area, but by
22 the regulations on the built envelope of buildings, including height, bulk, setbacks, and lot
23 coverage, and standards for residential uses, including open space and exposure, and urban
24
25

1 design guidelines. Residential parking is not required and generally limited. Commercial
2 establishments are discouraged or prohibited from building accessory off-street parking in
3 order to preserve the pedestrian-oriented character of the district and prevent attracting auto
4 traffic. There are prohibitions on access (i.e. driveways, garage entries) to off-street parking
5 and loading on Market and Church Streets to preserve and enhance the pedestrian-oriented
6 character and transit function.

7
8 The Upper Market Street district controls are designed to promote moderate-scale
9 development which contributes to the definition of Market Street's design and character. They
10 are also intended to preserve the existing mix of commercial uses and maintain the livability of
11 the district and its surrounding residential areas. Large-lot and use development is reviewed
12 for consistency with existing development patterns. Rear yards are protected at all levels. To
13 promote mixed-use buildings, most commercial uses are permitted with some limitations
14 above the second story. In order to maintain continuous retail frontage and preserve a
15 balanced mix of commercial uses, ground-story neighborhood-serving uses are encouraged,
16 and eating and drinking, entertainment, and financial service uses are limited. Ground floor-
17 commercial space is required along Market and Church Streets. Most automobile and drive-
18 up uses are prohibited or conditional.

19
20 Housing development in new buildings is encouraged above the second story. Existing
21 upper-story residential units are protected by limitations on demolitions and upper-story
22 conversions.

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SEC. 733. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL

TRANSIT DISTRICT ZONING CONTROL TABLE.

TABLE INSET:

			Upper Market Street
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
733.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250- -252, 260, 261.1, 263.18, 270, 271	Varies See Zoning Map: Height Sculpting on Alleys; § 261.1 Additional 5' Height Allowed for Ground Floor Active Uses in 40-X and 50-X; § 263.18
733.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 9,999 sq. ft. C 10,000 sq. ft. & above § 121.1
733.12	Rear Yard	§§ 130, 134, 136	Required from grade level and above § 134(a) (e)
733.13	Street Frontage	-	Required § 145.1
733.13a	Street Frontage, Above- Grade Parking Setback and Active Uses		Minimum 25 feet on ground floor, 15 feet on floors above § 145.1(c),

			(e)
733.13b	Street Frontage, Required Ground Floor Commercial		Market Street; Church Street § 145.1(d)
733.13c	Street Frontage, Parking and Loading access restrictions		§ 155(r) NP: Market Street, Church Street
733.14	Awning	§ 790.20	P § 136.1(a)
733.15	Canopy	§ 790.26	P § 136.1(b)
733.16	Marquee	§ 790.58	P § 136.1(c)
733.17	Street Trees	-	Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
733.20	Floor Area Ratio	§§ 102.9, 102.11, 123	3.0 to 1 § 124(a) (b)
733.21	Use Size [Non- Residential]	§ 790.130	P up to 2,999 sq. ft.; C 3,000 sq. ft. & above § 121.2
733.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153-- 157, 159--160, 204.5	None required. For uses in Table 151 that are described as a ratio of occupied floor area, P up

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			to 1 space per 1,500 feet of occupied floor area or the quantity specified in Table 151, whichever is less, and subject to the conditions of Section 151.1(f); NP above. For retail grocery stores larger than 20,000 square feet, P up to 1:500, C up to 1:250 for space in excess of 20,000 s.f. subject to conditions of 151.1(f); NP above. For all other uses, P up to the quantity specified in Table 151, and subject to the conditions of Section 151.1(f); NP above. §§ 151.1, 166, 145.1
733.23	Off-Street Freight Loading	§§ 150, 153-- 155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152.161(b)

733.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
733.25	Drive-Up Facility	§ 790.30	-
733.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
733.27	Hours of Operation	§ 790.48	P 6 a.m. - 2 a.m.; C 2 a.m. - 6 a.m.
733.30	General Advertising Sign	§§ 262, 602-- 604, 608, 609	-
733.31	Business Sign	§§ 262, 602-- 604, 608, 609	P # § 607.1(f)(2)
733.32	Other Signs	§§ 262, 602-- 604, 608, 609	P # § 607.1(c) (d) (g)

TABLE INSET:

No.	Zoning	§	Upper Market Street
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	Category	References	Controls by Story		
		§ 790.118	1st	2nd	3rd+
733.38	Residential Conversion	§§ 790.84, 207.7	C	C	-
733.39	Residential Demolition	§§ 790.86, 207.7	C	C	C
733.39a	Residential Division	§ 207.6	P	P	P
Retail Sales and Services					
733.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P	P	-
733.41	Bar	§ 790.22	C	-	-
733.42	Full-Service Restaurant	§ 790.92	C	-	-
733.43	Large Fast Food Restaurant	§ 790.90	-	-	-
733.44	Small Self-Service Restaurant	§ 790.91	C	-	-

1	733.45	Liquor Store	\$ 790.55	C	-	-
2	733.46	Movie Theater	\$ 790.64	P	-	-
3						
4	733.47	Adult Entertainment	\$ 790.36	-	-	-
5						
6	733.48	Other Entertainment	\$ 790.38	C#	-	-
7						
8						
9	733.49	Financial Service	\$ 790.110	C	C	-
10						
11	733.50	Limited Financial Service	\$ 790.112	P	-	-
12						
13	733.51	Medical Service	\$ 790.114	P	P	C
14						
15	733.52	Personal Service	\$ 790.116	P	P	C
16						
17						
18	733.53	Business or Professional Service	\$ 790.108	P	P	C
19						
20						
21	733.54	Massage Establishment	\$ 790.60, Police Code \$ 2700	C	C	-
22						
23						
24	733.55	Tourist Hotel	\$ 790.46	C	C	C
25						

733.56	Automobile Parking	§§ 790.8, 145.1, 156, 158.1, 160, 166	C	C	C
733.57	Automotive Gas Station	§ 790.14	-	-	-
733.58	Automotive Service Station	§ 790.17	-	-	-
733.59	Automotive Repair	§ 790.15	C	-	-
733.60	Automotive Wash	§ 790.18	-	-	-
733.61	Automobile Sale or Rental	§ 790.12	-	-	-
733.62	Animal Hospital	§ 790.6	C	-	-
733.63	Ambulance Service	§ 790.2	-	-	-
733.64	Mortuary	§ 790.62	-	-	-
733.65	Trade Shop	§ 790.124	P	C	-

733.66	Storage	\$ 790.117	-	-	-
733.67	Video Store	\$ 790.135	C	C	-
<u>733.68</u>	<u>Fringe Financial</u> <u>Service</u>	<u>\$ 790.111</u>	<u>P</u>		
<u>733.69</u>	<u>Self Service</u> <u>Specialty Food</u>	<u>\$ 790.93</u>	<u>C</u>		
Institutions and Non-Retail Sales and Services					
733.70	Administrative Service	\$ 790.106	-	-	-
733.80	Hospital or Medical Center	\$ 790.44	-	-	-
733.81	Other Institutions, Large	\$ 790.50	P	C	C
733.82	Other Institutions, Small	\$ 790.51	P	P	P

733.83	Public Use	§ 790.80	C	C	C
733.84	Medical Cannabis Dispensary	§ 790.141	P	-	-
RESIDENTIAL STANDARDS AND USES					
733.90	Residential Use	§ 790.88	P, except C for frontages listed in 145.1(d)	P	P
733.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	No residential density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. § 207.4, 207.6		
733.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	No group housing density limit by lot area. Density restricted by physical envelope controls of height, bulk,		

			setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. § 208		
733.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 60 sq. ft. if private, or 80 sq. ft. if common 135(d)		
733.94	Off-Street Parking, Residential	§§ 150, 153--157, 159--160, 204.5	None required. P up to 0.5; C up to .75. Not permitted above .75 cars for each dwelling unit. § 151.1		
733.95	Community Residential Parking	§§ 790.10, 145.1, 166	C	C	C

SPECIFIC PROVISIONS FOR THE UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL
TRANSIT DISTRICT

TABLE INSET:

Article 7 Code Section	Other Code Section	Zoning Controls
§ 733.31 § 733.32	§ 608.10	UPPER MARKET STREET SPECIAL SIGN DISTRICT Boundaries: Applicable only for the portions of the Upper Market Street NCT as mapped on Sectional Map SSD Controls: Special restrictions and limitations for signs
§ 733.48	-	Boundaries: Applicable for the Upper Market Street NCT; Controls: Existing bars in the Upper Market Street Neighborhood Commercial Transit District will be allowed to apply for and receive a place of entertainment permit from the Entertainment Commission without obtaining conditional use authorization from the Planning Commission if they can demonstrate to the satisfaction of the Entertainment Commission that they have been in regular operation as an entertainment use prior to January 1, 2004; provided, however, that a conditional use is required (1) if an application for a conditional use for the entertainment use was filed with the Planning Department prior to the date this ordinance was introduced or (2) if a conditional use was denied within 12 months prior to the effective date of this ordinance.

1 Section 45. The San Francisco Planning Code is hereby amended by amending
2 Section 780.1, to read as follows:

3 **SEC. 780.1. LAKESHORE PLAZA SPECIAL USE DISTRICT.**

4 In order to preserve the mix and variety of goods and services provided to the
5 Lakeshore Acres, Crestlake, and Merced Manor neighborhood residents yet provide
6 reasonable commercial expansion and intensification which would not disrupt the single-family
7 residential character of the surrounding neighborhoods, there shall be a Lakeshore Plaza
8 Special Use District, generally located on the NC-S-zoned block bounded by Sloat Boulevard,
9 Everglade Drive, Ocean Avenue, and Clearfield Drive, as designated on Sectional Map 13SU
10 of the Zoning Map. The following provisions shall apply within such special use district:

11 (a) Purpose and Findings. In addition to the purposes stated in Section 701 of this Code, the
12 following purpose and findings form a basis for special regulations and provide guidance for
13 their application in the Lakeshore Plaza Special Use District.

14 (1) The Lakeshore Plaza District is located on a single nine-acre parcel, bounded by Sloat
15 Boulevard, Ocean Avenue, Clearfield Drive and Everglade Drive. It is completely surrounded
16 by the Lakeshore Acres, Crestlake and Merced Manor single-family neighborhoods. It was
17 originally designed to be and functions as a small neighborhood shopping center, providing a
18 variety of retail goods and services mainly to the surrounding neighborhoods. It exhibits a
19 strong daytime and family orientation.

20 (2) The district contains three large low-scale buildings, which are removed from the street
21 edge and surrounded by a number of off-street parking spaces, in a configuration which
22 cannot accommodate new housing.

(b) Controls. The following controls for the NC-S District, as set forth in Sections 713.10 through 713.95 of this Code, shall apply to the Lakeshore Plaza Special Use District, except as provided below:

TABLE INSET:

Zoning Category No. Controls	
.10	The 26-40-X height district requires conditional use approval for heights over 26 feet not exceeding 40 feet.
.27	Hours of operation shall be permitted as a principal use from 6 a.m. to 11 p.m. and as a conditional use from 11 p.m. to 6 a.m.
.30	General advertising signs are not permitted.
.41	Bars are permitted as conditional uses at the first and second stories.
.44	Small self-service restaurants are permitted as conditional uses at the first and second stories.
.46	Movie theatres are permitted as conditional uses at the first and second stories.
.48	Other entertainment is permitted as a conditional use at the first and second stories.
.49	Financial services are permitted as principal uses at the third story.
.51, .52,	Medical services, personal services and business or professional services are permitted as principal uses at the third story.

1	.53	
2	.64	Mortuaries are not permitted.
3		<i>Self-service specialty food is permitted as a conditional use at the first and second</i>
4	<u>.69</u>	<u>stories.</u>
5		
6	.70	Administrative services are permitted as principal uses at the first, second,
7		and third stories.
8		
9	.81	Other institutions, large, are permitted as conditional uses at the first,
10		second, and third stories.
11	.82	Other institutions, small, are permitted as conditional uses at the first,
12		second and third stories.
13	.90	Residential uses are permitted as conditional uses at the first and second
14		stories and not permitted above the second story.
15	.91,	Residential density for dwelling units is one unit per 3,000 sq. ft. of lot
16	.92,	area; group housing is not permitted; minimum usable open space per
17	.93	dwelling unit is 300 sq. ft. if private and 400 sq. ft. if common.
18		
19	.95	Community residential garages are permitted as conditional uses at the
20		first story and below and not permitted above the first story.

Section 45. In accordance with Planning Code Sections 106 and 302, the following changes are hereby adopted as amendments to the Special Use District Map SU1 of the Zoning Map of the City and County of San Francisco:

Description of Property	Special Use District, As Amended
North Beach Limited Financial Special Use District, plus block 0088, lots 015-022; block 0089, lots 001-010; block 0090, lots 001-008 and 024-031, 033, 037-038; block 0091, lots 054 and 060-067; block 0101, lots 004-005A, 030-031, 039-044; block 0103, lots 001, 003-007, 009, 014-015, 018, 039, 042-044; block 0104, lots 016-017, 019-024, 026-027, 029-034.	North Beach Financial Service, Limited Financial Service, And Business Or Professional Service Subdistrict.

Description of Property	Special Use District Being Created
North Beach Neighborhood Commercial District	North Beach Special Use District

Section 46. This Section shall be uncodified. Section 780.3 of this Ordinance shall not apply to any project which, as of the date of re-introduction of this ordinance, August 12, 2008, had applied for a conditional use permit.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By:


Andrea Ruiz Esquide
Deputy City Attorney

Supervisor Peskin
BOARD OF SUPERVISORS

Page 324
10/7/2008

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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 080696

Date Passed:

Ordinance amending the San Francisco Planning Code by adding new Section 780.3, to create the North Beach Special Use District; amending Section 781.6, to include Limited Financial Services and Business or Professional Services in the North Beach Financial Subdistrict; amending Section 722.1 and the Zoning Control Table in Section 722 to reflect the new controls for the North Beach Neighborhood Commercial District, including limiting the establishment of new bars and restaurants in the North Beach Neighborhood Commercial District in locations occupied by basic neighborhood sales or services, allowing restaurants to obtain liquor licenses if they operate as bona-fide eating places, and prohibiting the establishment of new automated bank teller machines; adding new Section 790.93, to create the new zoning category of Specialty Food, Self-Service; adding new Section 790.142, to create a new definition of Bona Fide Eating Place; amending Section 790.102 to allow general grocery stores to occupy less than 5,000 gross square feet, to modify the definition of specialty grocery stores, and to clarify that off-sale beer, wine and liquor sales are allowed within accessory limits in general and specialty grocery stores; amending Sections 790.34, 790.55, 790.90, 790.91, 780.1, 312, 303, 218.2, 703.2, 803.2, 803.3, 121.2, and 186.1, to reflect the changes created by the new Sections 790.93, 790.102, and 790.142, and to make conforming amendments; amending Sections 703.3, 710.1, 711.1, 712.1, 713.1, 714.1, 715.1, 716.1, 717.1, 718.1, 719.1, 720.1, 721.1, 722.1, 723.1, 724.1, 725.1, 726.1, 727.1, 728.1, 729.1, 730.1, 731.1, 732.1, 733.1, to refer to new Section 790.93; amending the Special Use District Map SU1 of the Zoning Map of the City and County of San Francisco, to refer to the new North Beach Special Use District and to reflect the amendments and new boundaries of the North Beach Financial Service, Limited Financial Service, and Business or Professional Service Subdistrict; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

June 17, 2008 Board of Supervisors — SUBSTITUTED

August 12, 2008 Board of Supervisors — SUBSTITUTED

October 7, 2008 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

October 7, 2008 Board of Supervisors — PASSED ON FIRST READING AS AMENDED

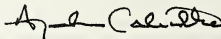
Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 1 - Alioto-Pier
Excused: 1 - McGoldrick

October 21, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick,
Mirkarimi, Peskin, Sandoval
Noes: 1 - Alioto-Pier

File No. 080696

I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on October 21, 2008
by the Board of Supervisors of the City and
County of San Francisco.



Angela Calvillo
Clerk of the Board

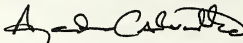
10/30/2008

Date Approved

Mayor Gavin Newsom

Date: November 3, 2008

I hereby certify that the foregoing ordinance, not being signed by the Mayor within the time limit as
set forth in Section 3.103 of the Charter, became effective without his approval in accordance with
the provision of said Section 3.103 of the Charter.



Angela Calvillo
Clerk of the Board

File No.
080696

[Public Employment]

Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance FY 2008-2009) to reflect the addition of two positions (2.0 FTE) Class 8177 Attorneys (Civil/Criminal) in the Office of the Public Defender (PDR).

Note: Additions are single-underline italics Times New Roman;
Deletions are ~~strikethrough italics Times New Roman~~;
Board amendment additions are double underlined;
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The hereinafter designated section and item of Ordinance No. 141-08 (Annual Salary Ordinance, FY 2008-2009) is hereby amended so that the same shall read as follows:

Department: PDR (5) Public Defender

Index Code: 055002

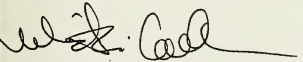
Program: AIB Criminal and Special Defense

Subfund: 1G AGF AAA

<u>Amendment</u>	<u>#of Pos.</u>	<u>Class and Item No.</u>	<u>Compensation Schedule</u>
<u>Add</u>	<u>2.0 FTE</u>	<u>8177 Attorney (Civil/Criminal)</u>	<u>\$3652 B \$6398</u>

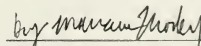
APPROVED AS TO CLASSIFICATION
DEPARTMENT OF HUMAN RESOURCES

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney



Micki Callahan, Director
Department of Human Resources

By:


Burk E. Delventhal
Deputy City Attorney

Supervisor McGoldrick
BOARD OF SUPERVISORS

GOVERNMENT
DOCUMENTS DEPT

NOV 25 2008

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8/4/08

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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 081085

Date Passed:

Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance FY 2008-2009) to reflect the addition of two positions (2.0 FTE) Class 8177 Attorneys (Civil/Criminal) in the Office of the Public Defender (PDR).

October 21, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 7 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Sandoval

Noes: 4 - Alioto-Pier, Chu, Elsbernd, Peskin

October 28, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 7 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Sandoval

Noes: 4 - Alioto-Pier, Chu, Elsbernd, Peskin

RECEIVED
OCT 29 2008

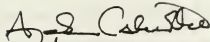
RECEIVED
OCT 29 2008

File No. 081085

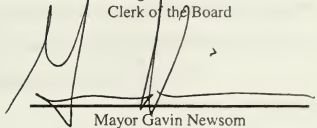
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on October 28, 2008
by the Board of Supervisors of the City and
County of San Francisco.

11/7/2008

Date Approved



Angela Calvillo
Clerk of the Board



Mayor Gavin Newsom



FILE NO. 081160

ORDINANCE NO. 247-08
RO#09005
SA#05

[Appropriating \$86,367,000 of Bond revenue and adopting environmental findings for Crystal Springs Bypass Tunnel at the Public Utilities Commission for Fiscal Year 2008-2009.]

Ordinance appropriating \$86,367,000 of Proceeds from Sale of Bonds for the Water System Improvement Program's (WSIP) construction of the Crystal Springs Bypass Tunnel Project at the San Francisco Public Utilities Commission for Fiscal Year 2008-2009, placing the entire appropriation on Controller's reserve pending the sale of ^{proceeds of indebtedness} bonds, and adopting environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The sources of funding outlined below are herein appropriated to reflect the funding available for Fiscal Year 2008-2009.

SOURCES Appropriation

Fund	Index Code	Subobject	Description	Amount
5W CPF 02A –	*WTR5WCPF02A –	80111 – Proceeds	Revenue for the	\$86,367,000
2002 Prop A Bond	2002 Prop A Bond	from Sale of Bonds	sale of bonds	
Fund	Fund		authorized in 2002	
Total SOURCES Appropriation				\$86,367,000

Mayor Gavin Newsom , Supervisor McGoldrick
Office of the Mayor

GOVERNMENT
DOCUMENTS DEPT

NOV 25 2008

Page 1 of 6

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Section 2. The uses of funding outlined below are herein appropriated in the Subobject 06700 – Buildings, Structures and Improvements, and 081C4 – City Services Auditor and reflects the projected uses of funding to support the Crystal Springs Bypass Tunnel Project at the Public Utilities Commission for Fiscal Year 2008-2009.

USES Appropriation

Fund	Index Code / Project Code	Subobject	Description	Amount
5W CPF 02A –	735600BUD /	06700 - Buildings	WSIP's Crystal Springs	\$86,194,266
2002 Prop A	CUW3560100 – New	Structures and	Bypass Tunnel Project	
Bond Fund	Crystal Springs	Improvements		
5W CPF 02A –	735600BUD /	081C4 - Buildings	WSIP's Crystal Springs	\$172,734
2002 Prop A	CUW3560100 – New	Structures and	Bypass Tunnel Project	
Bond Fund	Crystal Springs	Improvements		
Total USES Appropriation				<u>\$86,367,000</u>

Section 3: The total appropriation of \$86,367,000 is placed on Controller's Reserve pending ~~sale of the bonds-~~ proceeds of indebtedness.

Section 4: Findings.

(a) This Board of Supervisors, having reviewed the proposed legislation after public testimony, finds and declares that this ordinance is in conformity with the General Plan and with the Priority Policies of Planning Code Section 101.1 for the reasons set forth in the Planning Department's General Plan Referral Report dated July 15, 2008, a copy of which is

on file with the Clerk of the Board in File No. 081160, and incorporates such findings by reference;

(b) The Board of Supervisors makes the following findings in compliance with the California Environmental Quality Act ("CEQA"), California Public Resources Code Section 21000 et seq., the CEQA Guidelines, 14 Cal. Code of Regulations Sections 15000 et seq. ("CEQA Guidelines"), and San Francisco Administrative Code Chapter 31 ("Chapter 31").

(i) On June 5, 2008, the Planning Commission reviewed and considered the Project Final Environmental Impact Report ("Final EIR") by Motion No. 17612, and found that the contents of said report and the procedures through which the Final EIR was prepared, publicized, and reviewed, complied with CEQA and Chapter 31; a copy of the motion is on file with the Clerk of the Board in File No. 081160 and is incorporated into this resolution by this reference;

(ii) On July 22, 2008, the San Francisco Public Utilities Commission ("SFPUC") passed Resolution No. 08-0134, in which the SFPUC: (1) approved the Project and authorized staff to proceed with actions necessary to implement the Project; (2) authorized the SFPUC General Manager to request that the Mayor recommend approval of a supplemental appropriation to the Board of Supervisors in the amount of \$86,367,000 to fund the New Crystal Springs Bypass Tunnel Project construction; (3) authorized and directed the General Manager of the SFPUC to work with the Director of Real Estate to seek San Francisco Board of Supervisors' approval of the Easement Deed, and to accept and/or execute said Easement Deed from San Mateo County, upon its approval; and (4) authorized the General Manager of the SFPUC and the Director of Real Estate to enter into any amendments or modifications to the Easement Deed are acceptable, necessary or advisable to effectuate the purposes and intent of the Easement Deed or this resolution.

1 (iii) SFPUC Resolution No. 08-134 contained environmental findings and adopted a
2 mitigation monitoring and reporting plan ("MMRP") (the MMRP and environmental findings,
3 including exhibits, are collectively referred to herein as "SFPUC CEQA Findings") for the
4 construction and implementation of the Project and Easement Deed, as required by CEQA.
5 SFPUC CEQA Findings included extensive findings regarding the Project's potential
6 environmental impacts, the sufficiency of mitigation measures, responsibility for
7 implementation of mitigation measures including a mitigation and monitoring report, and a
8 statement of overriding circumstances regarding potentially significant and unavoidable
9 aesthetic and noise impacts. The SFPUC CEQA Findings reflected the SFPUC's
10 independent review and consideration of the relevant environmental information contained in
11 the Final EIR and the administrative record. The SFPUC CEQA Findings are on file with the
12 Clerk of the Board of Supervisors in File No. 081160 and are incorporated herein by
13 reference.

14 (iv) The Board of Supervisors has had the opportunity to review and consider the
15 Final EIR and the administrative record, which are located at the Planning Department at
16 1650 Mission Street, Suite 400, in file no. 2003.0655E. The Board of Supervisors has
17 reviewed and considered the Final EIR and the SFPUC Environmental Findings with respect
18 to this Ordinance, including the MMRP and Statement of Overriding Considerations adopted
19 by the SFPUC on such date, and determined that said findings remain valid for the actions
20 contemplated in this Ordinance; there are no changed circumstances or other factors present
21 that would trigger the need or requirement for additional environmental review for this
22 Ordinance.

23 (v) The Board hereby adopts as its own and incorporates the SFPUC CEQA
24 Findings contained in SFPUC Resolution No. 08-134 by reference as though such findings
25 were fully set forth in this Ordinance.

1 (vi) The Board of Supervisors endorses the implementation of the mitigation
2 measures identified in the SFPUC CEQA Findings recommends for adoption any mitigation
3 measures that are enforceable by agencies other than City agencies, all as set forth in the
4 SFPUC CEQA Findings, including the MMRP contained in the referenced SFPUC CEQA
5 Findings.

6 (viii) The Board of Supervisors finds on the basis of substantial evidence in light of
7 the whole record that: (1) the Project reflected in this Ordinance before the Board of
8 Supervisors will not require revisions to the Final EIR due to the involvement of new
9 significant environmental effects or substantial increase in the severity of previously identified
10 significant effects; (2) no substantial changes have occurred with respect to the circumstances
11 under which the Project will be undertaken which would require major revisions to the Final
12 EIR due to the involvement of new significant environmental effects, or a substantial increase
13 in the severity of effects identified in the Final EIR; and (3) no new information of substantial
14 importance to the Project has become available which would indicate (a) the Project will have
15 significant effects not discussed in the FEIR; (b) significant environmental effects will be
16 substantially more severe; (c) mitigation measures or alternatives found not feasible which
17 would reduce one or more significant effects have become feasible; or (d) mitigation
18 measures or alternatives which are considerably different from those in the FEIR would
19 substantially reduce one or more significant effects on the environment.

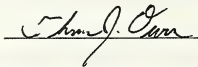
1 APPROVED AS TO FORM:

FUNDS AVAILABLE

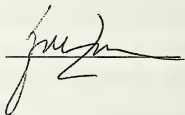
2 DENNIS J. HERRERA, City Attorney

BEN ROSENFELD, Controller

3
4
5 By:



By:



6
7 Date: 8/28/2008



City and County of San Francisco

Tails

Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 081160

Date Passed:

Ordinance appropriating \$86,367,000 of Proceeds from Sale of Bonds for the Water System Improvement Program's (WSIP) construction of the Crystal Springs Bypass Tunnel Project at the San Francisco Public Utilities Commission for Fiscal Year 2008-2009, placing the entire appropriation on Controller's reserve pending the proceeds of indebtedness, and adopting environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

October 21, 2008 Board of Supervisors — PASSED ON FIRST READING

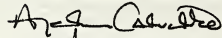
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

October 28, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 081160

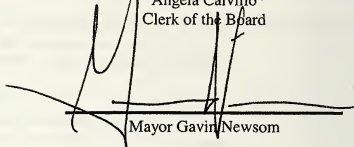
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on October 28, 2008
by the Board of Supervisors of the City and
County of San Francisco.



Angela Calvillo
Clerk of the Board

11/7/2008

Date Approved



Mayor Gavin Newsom

FILE NO. 081161

ORDINANCE NO. 248-08

[Mission Bay North-Acceptance of Land and Improvements for Block N2.]

Ordinance accepting the Mission Bay Block N2 Public Improvements on Third, Fourth, Berry, and King Streets; approving the dedication of the strips of land along the west side of Third Street, East Side of Fourth Street, North side of Berry Street and South Side of King Street for right-of-way purposes; designating street grades and sidewalk widths; accepting the irrevocable offer for the acquisition facilities for public use and maintenance purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code section 101.1, and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 177,778; and authorizing official acts in connection with this ordinance.

Note: Additions are single-underline italics Times New Roman;
deletions are ~~strikethrough italics Times New Roman~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) The San Francisco Redevelopment Agency, in a letter dated August ²¹~~22~~, 2008, determined that the acceptance of the Mission Bay Block N2 Public Improvements constructed pursuant to Permit No. 011E-143, dated April 23, 2001 (the "Project"), and other actions herein set forth are consistent with the Mission Bay North Redevelopment Plan ("Plan") and Plan Documents described therein. A copy of the Redevelopment Agency letter is on file with the Clerk of the Board of Supervisors in File No. 081161 and is incorporated by reference as though fully set forth herein.

GOVERNMENT
DOCUMENTS DEPT

NOV 25 2008

6/68
2 (b) The San Francisco Redevelopment Agency on October ¹⁷~~25~~, 2007 signed and
3 accepted the FOCIL-MB, LLC Conditional Assignment of Warranties and Guaranties. A copy
4 of the Assignment is on file with the Clerk of the Board of Supervisors in File No.

5 081161 and is incorporated by reference as though fully set forth herein.

6 (c) The City Planning Department, in a letter dated July 9, 2008 determined that the
7 acceptance of the Project and other actions herein set forth are within the scope of the
8 General Plan consistency findings of Case No. 2008-0631R the eight priority policies of
9 Planning Code Section 101.1 and the contemplated actions do not trigger the need for
10 subsequent environmental review pursuant the California Environmental Quality Act (CEQA)
11 (California Public Resources Code Sections 21000 et seq.). A copy of the Planning
12 Department letter is on file with the Clerk of the Board of Supervisors in File No.

13 081161 and is incorporated by reference as though fully set forth herein.

14 (d) In DPW Order No. ~~177,776~~ dated July 16, 2008 the Director of the Department
15 of Public Works and the City Engineer certified that: the Project has been inspected and were
16 certified as complete on MARCH 2, 2007; the Project has been constructed in
17 accordance with the Project Plans and Specifications and all City codes, regulations,
18 standards and Mission Bay North Plan and Plan Documents governing this project; such
19 improvements are ready for their intended use; and the acquisition facilities are recommended
20 for formal acceptance and acceptance for maintenance purposes. A copy of the DPW Order
21 is on file with the Clerk of the Board of Supervisors in File No. 081161 and is
22 incorporated by reference as though fully set forth herein.

23 (e) All capitalized terms relating to Mission Bay shall have the terms ascribed to them
24 pursuant to the Mission Bay North Plan and Plan Documents approved and adopted by the
25 Board of Supervisors of the City and County of San Francisco by Ordinance No. ³²⁷⁻⁹⁸~~935-98~~, on
November 2, 1998, a copy of which is in Clerk of the Board of Supervisors File No. 981440.

1 Section 2. Adoptions and Approvals.

2 (a) The Board of Supervisors adopts as its own the consistency findings of the San
3 Francisco Redevelopment Agency in connection with the acceptance of Project and other
4 actions set forth herein.

5 (b) The Board of Supervisors adopts as its own the consistency findings and CEQA
6 findings of the Planning Department in connection with the Project.

7 (c) The Board of Supervisors has reviewed and approves the Director of the
8 Department of Public Works recommendation concerning the acceptance of the FOCIL-MB,
9 LLC irrevocable offer of the Project dated October 25, 2007 and maintenance responsibility
10 with respect thereto.

11 Section 3. Acceptance of Offer of Improvements.

12 (a) Pursuant to San Francisco Administrative Code Sections 1.51 et seq., the
13 Acquisition Agreement dated June 1, 2001 by and between the Redevelopment Agency of the
14 City and County of San Francisco and Catellus Land Development Corporation with respect to
15 Project, and the Department of Public Works Order No. 177,778 dated July 16,
16 2008, the Board of Supervisors hereby accepts the irrevocable offer of the Project dated
17 October 25, 2007 and designates such facilities for public use and maintenance purposes,
18 subject to the conditions listed in subsection (b).

19 (b) The Board of Supervisors acceptance of improvements pursuant to Subsection (a)
20 is for the Project only. The accepted improvements are subject to the FOCIL-MB, LLC
21 warranty obligations under the Block N2 Public Improvements Permit No. 011E-143.

22 (c) The Board of Supervisors hereby acknowledges FOCIL-MB, LLC conditional
23 assignment of all guaranties and warranties related to the construction of the above
24 improvements.
25

1 Section 4. Acceptance of Land.

2 The Board of Supervisors approves the grant deed of Parcel A Lot 5, Parcel B Lot
3 6 and Parcel C Lot 7 to the City for right-of-way and roadway purposes and hereby authorizes
4 the Director of Real Estate to execute said instrument.

5 Section 5. Right-of-Way Dedication and Acceptance for Maintenance and Liability.

6 The Board of Supervisors approves Map No. A-17-_____ dated
7 _____, 2008 designating those portions of Third Street, Fourth Street, Berry Street
8 and King Street shown hatched on said Map No. A-17-_____ to be an open public right-of-
9 way dedicated for roadway purposes and accepted for maintenance and liability purposes;
10 and hereby directs the Department of Public Works to revise the Official City Street Right-of-
11 Way Maps in accordance with this Ordinance.

12 Section 6. Acceptance of Street Grades.

13 Notwithstanding California Streets and Highways Code Sections 8000 et seq., the
14 Board of Supervisors, in accordance with San Francisco Administrative Code Sections 1.51 et
15 seq., chooses to follow its own procedures for the establishment of street grades and hereby
16 accepts and designates the street grades for that portion of Third Street as set forth in the
17 Department of Public Works Order No. 177,776, Drawing No. Q-20-_____, dated
18 _____, 2008 and hereby directs the Department of Public Works to revise
19 the Official City Street Grade Maps in accordance with this Ordinance.

20 Section 7. Designation of Sidewalks.

21 (a) In accordance with the recommendation in Department of
22 Public Works Order No. 177,776 the Board of Supervisors hereby designates the
23 sidewalk width of 12.00 feet for those portions of Third Street, Fourth Street, Berry Street and
24 King Street along Assessor's Block 8706 as shown on Department of Public Works Drawing
25 No. Q-20_____, dated _____, 2008.

1 (b) The street sidewalk widths designated by the Board pursuant

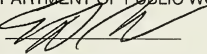
2 to Subsection (a) for those portions of Third Street, Fourth Street, Berry Street and King
3 Street along Assessor's Block 8706 does not obviate, amend, alter, or in any other way affect
4 the maintenance obligations of the adjacent property owners.

5 (c) The Board of Supervisors hereby directs the Department of Public Works
6 to add these sidewalk segments to its Official City Maps in accordance with this Ordinance.

7 Section 8. All actions heretofore taken by the officers of the City with respect to such
8 Ordinance are hereby approved, confirmed and ratified, and the Mayor, Clerk of the Board,
9 Director of Property, and Director of Public Works are hereby authorized and directed to take
10 any and all actions which they or the City Attorney may deem necessary or advisable in order
11 to effectuate the purpose and intent of this Ordinance, including, but not limited to, the filing of
12 the Ordinance in the Official Records of the City and County of San Francisco and recordation
13 of the Grant Deed.

14
15 RECOMMENDED:

16 DEPARTMENT OF PUBLIC WORKS

17 By: 

18 Edward D. Reiskin

19 Director of Public Works
20
21
22
23
24
25

1 APPROVED AS TO FORM:

DESIGNATION CERTIFIED BY:

2 Dennis J. Herrera

DEPARTMENT OF PUBLIC WORKS

3 City Attorney

4
5 By:

John D. Malamut

7 Deputy City Attorney

By:

James Chia

James Chia

Acting City Engineer



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 081161

Date Passed:

Ordinance accepting the Mission Bay Block N2 Public Improvements on Third, Fourth, Berry, and King Streets; approving the dedication of the strips of land along the west side of Third Street, East Side of Fourth Street, North side of Berry Street and South Side of King Street for right-of-way purposes; designating street grades and sidewalk widths; accepting the irrevocable offer for the acquisition facilities for public use and maintenance purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 177,778; and authorizing official acts in connection with this ordinance.

October 21, 2008 Board of Supervisors — PASSED ON FIRST READING

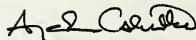
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

October 28, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 081161

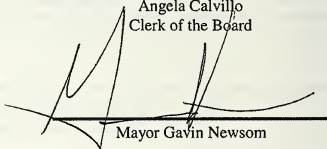
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on October 28, 2008
by the Board of Supervisors of the City and
County of San Francisco.



Angela Calvillo
Clerk of the Board

11/7/2008

Date Approved



Mayor Gavin Newsom

1 [Transfer of Real Property.]

2
3 **Ordinance authorizing the transfer of responsibilities for the court facilities at 575 Polk**
4 **Street and the agreement to make ongoing payments of fixed court facility payments**
5 **equal to \$323,132.00 per year, adjusted by an inflation index, to the State of California**
6 **pursuant to such transfer.**

7
8 Be it ordained by the People of the City and County of San Francisco:

9 Section 1. **Findings.** Under the Trial Court Facilities Act of 2002 (California
10 Government Code Section 70301 *et seq.*) (the "Act"), State of California (the "State") counties
11 and cities must provide necessary and suitable facilities for judicial and court support positions
12 created prior to July 1, 1996; and

13 Under the Act, a California city or county is released from its obligation to continue to
14 provide an existing court facility by executing a transfer agreement with the State that would
15 transfer such existing court facility to the State's Administrative Office of the Courts (the
16 "AOC") and would obligate the transferring city or county to make ongoing, fixed county facility
17 payments (a "CFP") to the State for such transferred court facility, and the Act further releases
18 any city or county from its obligation to provide for any court facilities if it transfers all of its
19 existing court facilities to the AOC pursuant to such transfer agreements; and

20 The Act requires that all such transfer agreements be executed prior to December 31,
21 2009; and

22 The City and County of San Francisco (the "City") leases 8,870 sq. ft. at 575 Polk
23 Street, San Francisco, California (the "Polk Street Court Facility") for use by the Superior
24 Court of San Francisco pursuant to Board of Supervisors Resolution 297-01 and pursuant to a
25 lease for the Polk Street Court Facility dated as of December 3, 1990, as amended by an

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Mayor
BOARD OF SUPERVISORS

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Page 1
9/9/2008

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1 exercise of option agreement dated as of May 4, 2001 (as amended, the "Polk Street Lease");

2 and,

3 The Act provides for the transfer of the Polk Street Court Facility from the City to the
4 AOC and City's payment of CFPs for such transferred facilities pursuant to appropriate
5 transfer agreements; and

6 The City's Controller's Office and the AOC established the CFP for the Polk Street
7 Court Facility as \$323,132.00 per year (the "Polk Street CFP"). The Polk Street CFP of
8 \$323,132 is the California Department of Finance's current forecast and is subject to
9 adjustment by the California Department of Finance's final inflation index for the month of the
10 transfer date, which will not be available for approximately four months; and

11 The State submitted a transfer agreement, a copy of which is on file with the Clerk of
12 the Board (the "Polk Street Transfer Agreement"), to transfer City's responsibility for the Polk
13 Street Court Facility to the AOC, subject to City's continuing obligation to remain as tenant
14 under the Polk Street Lease for the duration thereof, to provide for City's payment in
15 perpetuity of the Polk Street CFP following such transfer, and to release City from its
16 obligation to otherwise provide for the Polk Street Court Facility; and

17 The City's Planning Department has reported its findings that the proposed transfer of
18 responsibilities for the Polk Street Court Facility pursuant to the Transfer Agreement is
19 consistent with the City's General Plan and the Eight Priority Policies of City Planning Code
20 Section 101.1. A copy of such letter is on the file with the Clerk of the Board of Supervisors in
21 File No. _____ and is incorporated herein by reference; and

22 The State submitted an estoppel certificate, a copy of which is on file with the Clerk of
23 the Board (the "Estoppel Certificate"), pursuant to which City makes certain certifications
24 regarding the Polk Street Lease; and

1 Section 2. In accordance with the recommendation of the Director of Property, the

2 Director of Property is hereby authorized to take all actions on behalf of the City, as transferor,
3 to execute the Polk Street Transfer Agreement, the Estoppel Certificate, and other related
4 documents with the AOC for the immediate transfer of responsibilities for the Polk Street
5 Court Facility and City's agreement to make ongoing payments of the Polk Street CFP, on the
6 terms and conditions herein and in the Polk Street Transfer Agreement.

7 Section 3. The Polk Street Transfer Agreement (the "Transfer Agreement"), shall
8 include clause(s) in the form approved by the City Attorney, indemnifying and holding
9 harmless the AOC, the Superior Court of California for the County of San Francisco, and
10 Judicial Council of California (collectively, the "State Parties") from, and agreeing to defend
11 the State Parties against any and all claims, costs and expenses, including, without limitation,
12 reasonable attorney's fees, incurred as a result of City's failure to perform its obligations under
13 the Transfer Agreement, the inaccuracy or breach of any City representation or warranty in
14 the Transfer Agreement or the Estoppel Certificate, or the existence of certain environmental
15 conditions, if such conditions existed at the Polk Street Court Facility as of the effective date
16 of the Transfer Agreement, excluding those claims, costs and expenses incurred as a result of
17 the negligence or willful misconduct of the State Parties.

18 Section 4. The Board of Supervisors hereby approves the Transfer Agreement and the
19 Estoppel Certificate, the consummation of the transaction contemplated in the Transfer
20 Agreement and the performance by City of all of its obligations thereunder, and authorizes the
21 Director of Property to execute the Transfer Agreement and the Estoppel Certificate on behalf
22 of the City.

23 Section 5. All actions heretofore taken by the employees and officers of the City with
24 respect to the Transfer Agreement, the Estoppel Certificate, the transfer of the Polk Street
25

1 Court Facility and the calculation of the Polk Street CFP pursuant to the Act, are hereby
2 approved, confirmed and ratified.

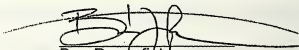
3 Section 6. The Board of Supervisors authorizes the Director of Property to execute any
4 amendments or modifications to the Transfer Agreement or the Estoppel Certificate (including
5 without limitation, the exhibits) that the Director of Property determines, in consultation with
6 the City Attorney, are in the best interest of the City, do not materially increase the obligations
7 or liabilities of the City, are necessary or advisable to consummate the transactions
8 contemplated in the Transfer Agreement or to otherwise effectuate compliance with Act, or the
9 performance of the purposes of this Ordinance and are in compliance with all applicable laws,
10 including City's Charter.

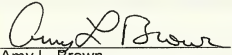
11 Section 7. The Controller is hereby authorized to adjust Fiscal Year 2008-09
12 departmental appropriations and transfer the necessary funding to implement the transfer of
13 all trial court facilities and approved operations funding during Fiscal Year 2008-09 from the
14 City and County of San Francisco to the Administrative Office of the Courts, State of California
15 as required under Senate Bill (SB) 1732.

16
17 APPROVED AS TO FORM:
18 DENNIS J. HERRERA, City Attorney

19 By: 
20 Deputy City Attorney

FUNDS AVAILABLE:


21 Ben Rosenfield
22 Controller

23 
24 Amy L. Brown
25 Director of Property



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 081197

Date Passed:

Ordinance authorizing the transfer of responsibilities for the court facilities at 575 Polk Street and the agreement to make ongoing payments of fixed court facility payments equal to \$323,132.00 per year, adjusted by an inflation index, to the State of California pursuant to such transfer.

October 21, 2008 Board of Supervisors — PASSED ON FIRST READING

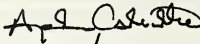
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

October 28, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 081197

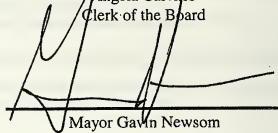
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on October 28, 2008
by the Board of Supervisors of the City and
County of San Francisco.



Angela Calvillo
Clerk of the Board

11/7/2008

Date Approved



Mayor Gavin Newsom

1 [Transfer of Real Property.]

2
3 Ordinance authorizing the transfer of responsibilities and the future transfer of fee
4 interest in the court facility located at 400 McAllister Street and the agreement to make
5 ongoing payments of fixed court facility payments equal to \$955,022.00 per year,
6 adjusted by an inflation index, to the State of California pursuant to such transfer.
7
8

9 Be it ordained by the People of the City and County of San Francisco:

10 Section 1. **Findings.** Under the Trial Court Facilities Act of 2002 (California
11 Government Code Section 70301 *et seq.*) (the "Act"), State of California (the "State") counties
12 and cities must provide necessary and suitable facilities for judicial and court support positions
13 created prior to July 1, 1996; and

14 Under the Act, a California city or county is released from its obligation to continue to
15 provide an existing court facility by executing a transfer agreement with the State that would
16 transfer such existing court facility to the State's Administrative Office of the Courts (the
17 "AOC") and would obligate the transferring city or county to make ongoing, fixed county facility
18 payments (a "CFP") to the State for such transferred court facility, and the Act further releases
19 any city or county from its obligation to provide for any court facilities if it transfers all of its
20 existing court facilities to the AOC pursuant to such transfer agreements; and

21 The Act requires that all such transfer agreements be executed prior to June 30, 2009;
22 and

23 The City constructed and owns the 6 story plus basement, approximate 185,000 sq. ft.
24 courthouse at 400 McAllister Street, San Francisco, California (the "McAllister Street Court
25 Facility") for use by the Superior Court of San Francisco, and the City issued Certificates of

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Mayor
BOARD OF SUPERVISORS

NOV 25 2008

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1 Participation to finance such construction and such Certificates Of Participation are retired in
2 2021; and,

3 The Act provides for the transfer of the McAllister Street Court Facility from the City to
4 the AOC and City's payment of CFPs for such transferred facilities pursuant to appropriate
5 transfer agreements; and

6 The City's Controller's Office and the AOC established the CFP for McAllister Street
7 Court Facility as \$955,022 per year (the "McAllister Street CFP"). The McAllister Street CFP
8 of \$955,022 is the California Department of Finance's current forecast and is subject to
9 adjustment by the California Department of Finance's final inflation index for the month of the
10 transfer date, which will not be available for approximately four months; and

11 The State submitted a transfer agreement, a copy of which is on file with the Clerk of
12 the Board (the "McAllister Street Transfer Agreement"), to transfer City's responsibility for the
13 maintenance and operation of the McAllister Court Facility to the AOC, to provide for City's
14 payment in perpetuity of the McAllister Street CFP following such transfer, to provide for City's
15 transfer of fee title to the McAllister Court Facility to AOC once the Certificates of Participation
16 are paid in full, and to release City from its obligation to otherwise provide for the McAllister
17 Street Court Facility; and

18 The City's Planning Department has reported its findings that the proposed transfer of
19 responsibilities for the Polk Street Court Facility pursuant to the Transfer Agreement is
20 consistent with the City's General Plan and the Eight Priority Policies of City Planning Code
21 Section 101.1. A copy of such letter is on the file with the Clerk of the Board of Supervisors in
22 File No. _____ and is incorporated herein by reference; and

23 Section 2. In accordance with the recommendation of the Director of Property, the
24 Director of Property is hereby authorized to take all actions on behalf of the City, as transferor,
25 to execute the McAllister Street Transfer Agreement and other related documents with the

1 AOC for the immediate transfer of responsibilities for the McAllister Street Court Facility and
2 the future fee transfer of the McAllister Street Court Facility and City's agreement to make
3 ongoing payments of the McAllister Street CFP, on the terms and conditions herein and in the
4 McAllister Street Transfer Agreement.

5 Section 3. The McAllister Street Transfer Agreement ("Transfer Agreement"), shall
6 include clause(s) in the form approved by the City Attorney, indemnifying and holding
7 harmless the AOC, the Superior Court of California for the County of San Francisco, and
8 Judicial Council of California (collectively, the "State Parties") from, and agreeing to defend
9 the State Parties against any and all claims, costs and expenses, including, without limitation,
10 reasonable attorney's fees, incurred as a result of City's failure to perform its obligations under
11 the Transfer Agreements, the inaccuracy or breach of any City representation or warranty in
12 the Transfer Agreements or the existence of certain environmental conditions, if such
13 conditions existed at the McAllister Street Court Facility as of the effective date of the Transfer
14 Agreements, excluding those claims, costs and expenses incurred as a result of the
15 negligence or willful misconduct of the State Parties.

16 Section 4. The Board of Supervisors hereby approves the Transfer Agreement, the
17 consummation of the transactions contemplated in the Transfer Agreement and the
18 performance by City of all of its obligations thereunder, and authorizes the Director of Property
19 to execute the Transfer Agreement on behalf of the City.

20 Section 5. All actions heretofore taken by the employees and officers of the City with
21 respect to the Transfer Agreement, the transfer of the McAllister Street Court Facility and the
22 calculation of the McAllister Street CFP pursuant to the Act, are hereby approved, confirmed
23 and ratified.

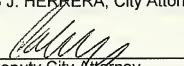
24 Section 6. The Board of Supervisors authorizes the Director of Property to execute any
25 amendments or modifications to the Transfer Agreement or the Estoppel Certificate (including

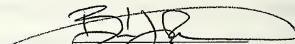
1 without limitation, the exhibits) that the Director of Property determines, in consultation with
2 the City Attorney, are in the best interest of the City, do not materially increase the obligations
3 or liabilities of the City, are necessary or advisable to consummate the transactions
4 contemplated in the Transfer Agreement or to otherwise effectuate compliance with Act, or the
5 performance of the purposes of this Ordinance and are in compliance with all applicable laws,
6 including City's Charter.

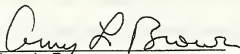
7 Section 7. The Controller is hereby authorized to adjust Fiscal Year 2008-09
8 departmental appropriations and transfer the necessary funding to implement the transfer of
9 all trial court facilities and approved operations funding during Fiscal Year 2008-09 from the
10 City and County of San Francisco to the Administrative Office of the Courts, State of California
11 as required under Senate Bill (SB) 1732.

13 APPROVED AS TO FORM:
14 DENNIS J. HERRERA, City Attorney

FUNDS AVAILABLE:

15 By: 
16 Deputy City Attorney


Ben Rosenfield
Controller

17
18 
19 Amy L. Brown
Director of Property



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 081198

Date Passed:

Ordinance authorizing the transfer of responsibilities and the future transfer of fee interest in the court facility located at 400 McAllister Street and the agreement to make ongoing payments of fixed court facility payments equal to \$955,022.00 per year, adjusted by an inflation index, to the State of California pursuant to such transfer.

October 21, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

October 28, 2008 Board of Supervisors — FINALLY PASSED

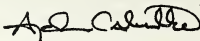
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 081198

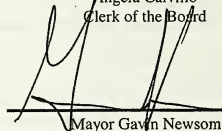
I hereby certify that the foregoing Ordinance
was ~~FINALLY PASSED on October 28, 2008~~
by the Board of Supervisors of the City and
County of San Francisco.

11/7/2008

Date Approved



Angela Calvillo
Clerk of the Board



Mayor Gavin Newsom



